

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8947 of 2023**

**In
CRIMINAL APPEAL (SJ) No.2445 of 2022**

Arising Out of PS. Case No.-136 Year-2016 Thana- BASANTPUR District- Siwan

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Mendar Singh @ Vijay Singh, Son of Late Lallan Singh, Resident of Village -
Bithuna, P.S- Basantpur, Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajwati Devi Wife of Late Sheojalom Manjhi @ Saroj Manjhi, Resident of
Village- Bithuna, P.S- Basantpur, Dist- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The present petition has been filed for modification of the judgment dated 08.12.2022 passed in Criminal Appeal (SJ) No. 2445 of 2022 on the ground that at the time of hearing of the Criminal Appeal (SJ) No. 2445 of 2022 criminal antecedent of the appellant could not be brought on record due to some mis-communication. However, a condition was put by this Court while granting bail to the appellant that the bail bond of the appellant was to be accepted only after verification of the claim that he was having no criminal antecedent. The learned counsel



for the petitioner prays for waiver of the aforesaid condition.

Having considered the submission, I do not think the reason of mis-communication or inadvertent mistake by the deponent/pairvikar regarding criminal antecedent of the appellant are believable. It appears to be a case of active concealment to get a bail order in favour of the appellant. The appellant was duty bound to mention his criminal antecedent which he failed to bring to the notice of this Court. It amounts to playing fraud with the Court.

For the aforesaid reason, I do not find any merit in the modification petition and hence, the same is dismissed.

The learned Registrar General is directed to enquire into the matter and after due enquiry fix the responsibility of the person, who committed fraud upon this Court and submit the report within six months.

(Arun Kumar Jha, J)

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