

**SUPREME COURT OF INDIA****Bench: Justice C.T. Ravikumar and Justice Sanjay Kumar****Date of Decision: September 22, 2023**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2023  
(@ SPECIAL LEAVE PETITION (CRL.) NO.5548 OF 2023)CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2023  
(@ SPECIAL LEAVE PETITION (CRL.) NO.8869 OF 2023)CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2023  
(@ SPECIAL LEAVE PETITION (CRL.) NO.6468 OF 2023)**MD KAMRAN & ORS.****Appellant(s)****VERSUS****THE STATE OF BIHAR & ANR.****Respondent(s)**

Section, Acts, Rules, and Article:

Sections 307, 147, 148, 149, 324, 325, 326, 380, 341, 342, 504, and 506 of  
the Indian Penal Code, 1860.

Section 82, 83 of the Code of Criminal Procedure, 1973 (Cr.P.C).

Subject: Denial of anticipatory bail - Non-disclosure of relevant facts -  
Disentitlement to relief.**Headnotes:***Criminal Appeal – Anticipatory Bail – Denial of anticipatory bail by the High  
Court – Appellants sought anticipatory bail in three separate cases – Non-*

*disclosure of relevant facts regarding initiation of proceedings under Sections 82 and 83 of Cr.P.C. – Interim protection granted but subsequently found that relevant facts were not disclosed – Appellants not entitled to pre-arrest bail – Appeals dismissed. [Para 2-4]*

*Non-disclosure of relevant facts – Failure to mention the issuance of process under Section 82, Cr.P.C., and dismissal of Revision Petition against the same – Appellants approaching the Court with no clean hands – Lack of entitlement to leniency or favor – Disentitlement to relief at this stage. [Para 4]*

Referred Cases: None

## ORDER

Leave granted.

2. The captioned appeals are directed against the different orders passed by the High Court of Judicature at Patna in three Criminal Miscellaneous case Nos. viz., 36992 of 2022, 40018 of 2021 and 59371 of 2022, filed separately by the different accused in F.I.R. No.61 of 2020 registered at Police Station - Rahika under Sections 307, 147, 148, 149, 324, 325, 326, 380, 341, 342, 504 and 506 of the Indian Penal Code, 1860. Those cases were filed by the appellants-accused herein seeking anticipatory bail and it is their rejection that led to the filing of the above-mentioned appeals.

3. Heard learned counsel for the appellants, the learned standing counsel for the State of Bihar as also learned counsel for the complainant.
4. The fact is that prior to the filing of the captioned appeals, steps were initiated against the appellants under Sections 82 of the Code of Criminal Procedure, 1973 (Cr.P.C.). In fact, the properties of some of them were also attached under Section 83, Cr.P.C. It is also to be noted that as against the issuance of process under Section 82, Cr.P.C., as per order dated 07.03.2022, by the learned ACJM II, Madhubani, the appellants have filed Criminal Revision No.70 of 2022 before the Court of Additional Sessions Judge-IV, Madhubani. The same was dismissed. These facts were not at all mentioned in the captioned appeals. In such circumstances, when these appeals were taken up for consideration, initially this Court was persuaded to pass interim directions that no coercive steps would be taken against the appellants till the next date of listing. Today, when these appeals were taken up for further consideration, the learned counsel for the State of Bihar brought to our notice the aforesaid relevant aspects. The learned counsel for the appellants attempted to justify the action on the part of the appellants and also to sustain the said interim protection, contending that by way of additional documents they disclosed the aforesaid aspects, subsequently. But, at the same time, the fact is that before filing the captioned appeals, processes were issued under Section 82, Cr.P.C. and the Revision Petition filed against the order in that regard were also dismissed. However, such relevant aspects were not at all mentioned in the captioned appeals. We have no hesitation to hold that the non-disclosure of such relevant facts and factors in the SLPs and at any rate, when this Court passed the interim order of protection would and should disentitle them to any relief at this stage. There cannot be any doubt with respect to the position that a person approaching this Court with no clean hands does not deserve any leniency or favour from this Court. Even

otherwise, in such circumstances, the appellants are not entitled to pre-arrest bail. Consequently, the captioned appeals stand dismissed.

5. Pending application(s), if any, shall stand disposed of.

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