

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41630 of 2015

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Ashok Singh s/o late Ramchandra Singh r/o vill Kudia P.S. Pipra Dist- E.
Champanan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-09-2015 This application has been filed for modification of the
order of this Court dated 25.6.2015 in Cr.Misc.No. 17386/2015.

Learned counsel for the petitioner submits that in course of
verification of the criminal antecedent as per the direction of this
Court it has transpired that three cases were said to be pending
against the petitioner but then one of them is present case in which
he has been granted anticipatory bail being Keshariya P.S.Case
No. 32/2014. He has also explained that the petitioner has already
been acquitted by the trial court in Hajipur Town P.S.Case No.
310/1990 but then the petitioner is not sure about his being made
accused in connection with Pipra P.S.Case No. 36/1987, inasmuch
as the petitioner was definitely not an accused named in the F.I.R.
but he was only put on T.I.P. and when he was not identified the
police had left him and therefore he has always been under an

impression that he was not an accused in Pipra P.S.Case No. 36/1987.

Learned counsel for the petitioner submits that the court below, therefore, should verify this aspect as with regard to the petitioner being made an accused in Pipra P.S.Case No. 36/1987 inasmuch as if it would be found that the petitioner had been subsequently made an accused, he will not claim privilege of anticipatory bail in this case.

That being so, the order of this Court dated 25.6.2015 in Cr.Misc.No. 17386/2015 is modified to the extent that if the petitioner surrenders within a period of four weeks from today, the court below shall make verification of the criminal antecedent of the petitioner as with regard to his being made accused in Pipra P.S.Case No. 36/1987 and if it is found that the petitioner was not made an accused therein nor a charge sheet has been submitted against him, he shall be released on bail by complying the order of this Court dated 25.6.2015, but if, on the other hand, it is found that the petitioner has been made an accused in the aforesaid Pipra P.S.Case No. 36/1987, his prayer for bail shall be rejected.

It is, however, made clear that all this will be done by the court below only on the same day on which the petitioner would surrender.

The order of this Court dated 25.6.2015 in Cr.Misc.No. 17386/2015 shall accordingly stand modified to the aforesaid extent.

With the aforementioned observations, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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