

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53052 of 2017

1. Md. Shahid Ali @ Shahid Ali, son of Late Md. Hafij Raza, Resident of Village- Tari Mohalla, P.S.- Ara (Town), District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.4653 of 2018

Arising Out of PS.Case No. -366 Year- 2017 Thana -ARA NAGAR District- BHOJPUR

1. Mahesh Yadav S/o Late Indradeo Yadav, R/o Villaeg- Bhaluhipur, P.S.- Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Shahid Ali @ Sahid Ali, S/o Late Md. Hafi Raza, R/o Village- Tari Mohalla, P.S.- Town, Distt.- Bhojpur.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.53052 of 2017)

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Mr. Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mr. Sri Yogendra Kumar

(In Cr.Misc. No.4653 of 2018)

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr. Sri Ramchandra Sahani, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-02-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner in Cr. Misc. No. 53052 of 2017 seeks
modification of the order dated 10.10.2017 passed in Cr. Misc.



No. 44504 of 2017 to the extent that four more cases pending against the petitioner were left out inadvertently.

Further submission of the learned counsel for the petitioner is that the petitioner has been granted bail by this court vide order dated 10.10.2017 passed in Cr. Misc. No. 44504 of 2017 and he has been released on bail as has been annexed as Annexure -1 but it came to know after bail that the petitioner was accused in four other cases, which he could not disclose as the deponent had no knowledge about all the cases and thus the petitioner filed the present petition for modification of the above order on the ground that he suppressed the fact.

On the other hand submission of learned counsel for the petitioner in Cr. Misc. No. 4653 of 2018 for cancellation of bail is that the petitioner in Cr. Misc. No. 44504 of 2017 has obtained bail by suppressing criminal antecedent and as such they have suppressed the facts, hence learned counsel for the petitioner has moved for cancellation of the order.

From perusal of the record, it appears that the application for modification had been filed on 23rd November, 2017 whereas application for cancellation of bail had been filed on 03.01.2018 much after petition for modification has been sought.

In such view of the matter, it appears that the petitioner



in Cr. Misc. No. 44504 of 2017 has himself appeared and informed about criminal antecedents and furthermore, bail has been granted on perusal of allegation and his criminal antecedent was not considered at that time in the order dated 10.10.2017 passed in Cr. Misc. No. 44504 of 2017, as such, I do not find any merit in the submission of the learned counsel for the petitioner in Cr. Misc. No. 4653 of 2018 and does not appear any misuse of the bail granted to him by the Court and accordingly the Cr. Misc. No. 4653 of 2018 is accordingly, dismissed.

So far as Cr. Misc. No. 53052 of 2017 is concerned, the same may also be treated as part of the earlier application, filed by the petitioner is accordingly, disposed of.

(Vinod Kumar Sinha, J)

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