

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49885 of 2018

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1. Vijay Sharma @ Vijay Kishor Sharma, Son of late Musafir Sharma, Resident of Village Ramgarh, P.S. Siswan, District-Siwan.

2. Ratnesh Sharma @ Ratnesh Kumar Sharma, Son of Chhotelal Sharma, Resident of Village- Rukundipur, P.S. Doronda, District- Siwan.

3. Vansewan Sharma, Son of late Mahatam Sharma, resident of Village- Panjwar, P.S. Raghunathpur, District-Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Raghav Prasad, Adv.

For the Opposite Party/s:Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-08-2018 The petitioners have approached this Court for modification of the order dated 16.07.2015, passed in Cr. Misc. No. 6744 of 2015 in connection with Siswan (Chainpur O.P.) P.S. Case No. 136 of 2014, whereby they were granted anticipatory bail provisionally subject to the confirmation of their clean antecedents.



By the order referred to above, the petitioners were directed to be released on bail provisionally till the final adjudication of their prayer for bail.

The learned counsel for the petitioners submits that because of the uses of the words "till final adjudication of the prayer for bail of the three petitioners", the court below, for the last three years, has not confirmed their bail, even though there is no report about any criminal antecedent. The order dated 16.07.2015 meant that the court below was required to confirm the provisional anticipatory bail of the petitioners on finding that they do not have any criminal antecedent. But because of the ambiguity in the order dated 16.07.2015, the court below has misconstrued the order that the confirmation has to be done by the High Court and as such the Court below has not been passing any order towards confirmation of the provisional anticipatory bail of the petitioners.

Considering the aforesaid circumstances as also taking into account that the petitioners, above named, do not have criminal antecedents, their provisional anticipatory bail stands confirmed.

No further order is required to be passed by the learned court below with regard to the confirmation of bail of the petitioners.



The order impugned stands modified to the extent indicated above.

This application is, accordingly, allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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