

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4335 of 2019

In
Criminal Miscellaneous No.20382 of 2018

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SUDHIR SINGH aged about 48 years (Male) son of Late Lakhan Singh Vill.-
Thegua, P.S.- Fatuha, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 28-01-2019 Heard learned counsel for the parties.

This application has been filed for modification in the order dated 19.04.2018 passed in Criminal Miscellaneous No. 20382 of 2018, by which petitioner had been allowed bail in connection with Special Case No. 7333 of 2017 arising out of Daniyawar P.S. Case No. 133 of 2017 under sections 399/402 of the Indian Penal Code, 25 (1-b)a/26 of the Arms Act and 37(b)(c) of the Bihar Prohibition and Excise Act, pending before the learned court of Special Judge, Excise, Patna.

Petitioner had filed Criminal Miscellaneous No. 20382 of 2018 for grant of regular bail in above referred case and the same was allowed by order dated 19.04.2018 passed by a Single Judge of this Court with a condition that he will be



released on bail only if he bears no criminal antecedent which will be verified by the court below before accepting his bail bond as petitioner had stated in paragraph no. 3 of his petition that he has no criminal antecedent on affidavit sworn by his wife.

It has been submitted on behalf of the petitioner that the wife of petitioner was not aware that petitioner is also accused in one more case and when he came to know that the bail granted to him is conditional although he was also accused in one more case which was not brought to the notice of this case as such he did not furnish the bail bond and remained in Jail custody since 27.10.2017.

It has been further submitted on behalf of petitioner that he has been sufficiently punished for his fault which was not deliberate or intentional and committed by his wife as she was not aware that he is also accused in one more criminal case, as such the order granting bail may be modified to the extent that petitioner is accused in one more criminal case.

Petitioner is also accused in Special Case No. 87 of 2018 arising out of Fatuha P.S. Case No. 160 of 2015 under Sections 341, 324, 504/379 of IPC and 3(i)(x) of S.C/S.T. (Prevention of Atrocities) Act, in which he is on bail.



Considering the facts and circumstances of the present case, the order dated 19.04.2018 passed in Criminal Miscellaneous No. 20382 of 2018 is modified that petitioner may be released on bail, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise, Patna**, in connection with **Special Case No. 7333 of 2017 arising out of Daniyawan P.S. Case No. 133 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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