

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr. Miscellaneous No. 8192 of 2020

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Indradeo Yadav, aged about 60 years, male, Son of Late Mangal Yadav, Resident
of Village- Giriyak, P.S.- Giriyak, District- Nalanda.

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Singh, Adv.

For the Informant : Mr. Rajendra Narain, Sr. Adv.

For the State : Mr. Rajesh Kumar, APP

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CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

03/- 14.07.2020

Heard Mr. Sanjay Singh, learned counsel for the petitioner, Mr.
Rajendra Narain, learned Senior Advocate for the informant and Mr.
Rajesh Kumar, learned APP for the State.

The petitioner seeks modification of the order dated 13.01.2020
passed in Cr. Misc. No. 84297 of 2019.



It has been submitted on behalf of the petitioner that while granting bail to him, the Hon'ble Court had observed that if the statement with respect to the antecedent of the petitioner is found to be false, the petitioner shall not be released on bail and every effort shall be made by the Court below to cancel his bail-bond.

It appears that there was some anomaly in the statement made in paragraph 3 of the bail petition at that time. The order which is sought to be modified clearly states that the prayer for bail was opposed on the ground that the petitioner was an accused in 31 cases, which fact emerged from paragraph 7 of the case diary.

The aforesaid statement was disputed by the learned counsel for the petitioner at that time and it was stated that because of some inadvertence or lack of proper instruction, exact number of criminal cases pending against the petitioner could not be stated before the Court. It has also been submitted that there was no intention to mislead the Court on the question of the antecedent of the petitioner. Most of the cases which were shown to be pending against the petitioner at that time were either the cases where his implication was not known to him or the case had ended in final report false being submitted or the ca trial.



In any view of the matter, the statement made before this Court at that time for grant of bail was later found to be incorrect and, therefore, the petitioner was not released on bail, necessitating the present application for modification of the order dated 13.01.2020.

Factually speaking, learned counsel for the petitioner has submitted that the statement made with respect to the criminal antecedent of the petitioner was not absolutely correct. This disclosure disentitles the petitioner from seeking any modification of the order referred to above. Even otherwise, the order cannot be modified on the ground that the intent of the Court regarding the bail order was based not only on the merits of the case where the petitioner was shown to be an order-giver, but also on his criminal antecedent.

For this reason, I am not inclined to pass any order modifying the order dated 13.01.2020. Obviously, therefore, the petitioner cannot take advantage of this order and he cannot be released on bail.

Be that as it may, considering the period of custody of the petitioner, this Court only observes that in case, he files an application for bail before the Court below afresh, stating in detail about his criminal antecedents and current status of his implication in different



cases, the Court below shall pass orders in accordance with law after taking into account all necessary factors relating to the merits of the case and shall not be prejudiced by the fact that the bail order dated 13.01.2020 could not be acted upon because of some mistake in the affidavit filed on behalf of the petitioner before the High Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J.)

Praveen-II/-

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