

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17774 of 2020**

Arising Out of PS. Case No.-124 Year-2019 Thana- JANDAHA District- Vaishali

ANIL BAITHA S/o Jaleshwar Baitha R/o village- Gopalpur, P.O.- Purkhoul, P.S.- Vaishali, District- Vaishali Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Shree Prakash Srivastava, Advocate
Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 28-09-2020 Heard Mr. Sri Prakash Srivastava, learned counsel for the petitioner along with Mr. Rajiv Ranjan, learned Advocate on Record and Mr. Ram Sevak Choudhary, learned APP for the State.

The Advocate Oath Commissioner Mr. Beg has appeared and shown the oath Register on which signature of the deponent is present.

The petitioner in the present case is seeking regular bail in connection with Jandaha P.S. Case No. 124 of 2019 registered for the offences punishable under Sections 13(1) (a) (b) of the U. P. A. Act and Sections 25(1-b)a, 26/35 of the Arms Act.

In paragraph '3' of the application, a statement has been made that the petitioner has clean and clear antecedent.

The allegation against the petitioner is that he was in



the meeting along with the co-accused who have been arrested by the joint team of SSB, Paroo, Muzaffarpur Camp and STF Force. From their possession loaded pistol and live cartridges have been recovered and then they had disclosed the name of other naxal members who were there.

In course of hearing this Court called for the case diary vide order dated 03.06.2020. When the case diary was received, this Court found that in paragraph '48' the criminal history of the petitioner has been recorded and it is mentioned that he has at least 10 cases on his head. This Court has recorded these facts in it's order dated 26.08.2020 and directed issuance of show cause notice to the deponent who is none else but father of the petitioner.

A show cause has been filed and in the show cause a plea has been taken by the deponent that in fact he was not aware of the criminal antecedents of his son because the son is residing at Hajipur whereas the deponent is residing in his village. He has also come out with an explanation that because the impugned order did not record the criminal antecedents of this petitioner and he has no knowledge of the materials which had come in the case diary, the statements in paragraph '3' recorded that the petitioner has no criminal antecedent.



This Court finds that now it is an admitted position that the petitioner has got '10' criminal antecedents and all are of serious nature and he tried to obtain bail from this Court by concealment of his criminal antecedents. In such circumstance, the Court is of the opinion that if the petitioner is released on bail, there is no chance of conclusion of trial as being involved in so many cases he may not only get indulged in threatening of witnesses but would also make it impossible to conclude the trial. This Court has reasons to believe it because what appears from the case diary is that the cases against him are pending since the year 1994, 1996, 1998 and then of subsequent years. Pendency of the cases for 26 years itself strengthens the belief of this Court that if the petitioner is released on bail this trial will also be not concluded in the near future. This Court, therefore, rejects the prayer for regular bail of the petitioner. Let the trial be expedited in the court below.

That would, however, be not the end of the matter because the manner in which an attempt has been made to take away a bail order from this Court, has to be seen seriously. Since this Court has been informed that the petitioner has got bail in all the 10 cases listed in paragraph '48' of the case diary, the Registrar General of this Court shall call for a complete



report from the learned court below as to whether the petitioner is on bail in those cases, if yes, then further verification would be done as to whether those bails were granted after full disclosure by the petitioner about his criminal antecedents in the bail petition and what is the stage of the trial in all the 10 cases. In this regard he may seek further information from the deponent also. A further order on the show cause filed by the deponent would be passed after looking into the report of the learned Registrar General of this Court.

Let the report be placed before this Court within three weeks.

List on 19th October, 2020.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

