

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25757 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- GHORASAHAN District- East
Champanan

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SUBASH KUMAR SON OF CHHATU RAI R/O VILLAGE- KADAMWA
LALA TOLA, P.S.- GHORASAHAN, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

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

4 25-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Shaheen Begum, learned A.P.P. for the State.

Petitioner has moved this Court seeking regular bail

after refusal of his prayer for bail on 28.01.2021 by learned 22nd

Additional District and Sessions Judge, East Champaran,

Motihari in B.P. No. 18/2021 in connection with Ghorasahan

P.S. Case No.233/2020 under Section 399, 402 and 414 of the

Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the

Arms Act.

A perusal of the order passed by learned Additional

Sessions Judge would show that earlier the petitioner had moved this Court for grant of regular bail in Cr.Misc.No.32637/2020. In paragraph '3' of the application a statement was made that the petitioner has got clean antecedent. Believing the said statement, this Court considered the prayer of the petitioner for bail in the above case and directed to release him on bail on furnishing bail bond. One of the conditions of the order was that the court below shall verify the criminal antecedents of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

It is because of the aforesaid condition later on the bail bond of the petitioner was cancelled and a warrant was issued by the learned SDJM court at Dhaka, East Champaran. The petitioner thereafter surrendered on 05.01.2021 and since then he is in custody.

In the present petition, he has disclosed five criminal antecedents and in all the cases he is said to be on bail.

Learned counsel for the petitioner submits that the brother of the petitioner who had sworn affidavit in Cr.Misc.No.32637/2020 had committed mistake in not

disclosing the criminal antecedents.

It is further submitted that the petitioner has suffered for the said fault and is in custody for about eight months since 05.01.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and it is submitted that the petitioner had obtained bail in the previous case by concealment of his criminal antecedents.

Considering the facts and circumstances of the case and that the petitioner has disclosed his five criminal antecedents in the present case and claims to be on bail in all the cases and further that because of the mistake committed by his brother he has already remained in custody for about eight months, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No.233/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage

it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

For not disclosing the criminal antecedents of the petitioner and swearing false affidavit in this regard, let a show cause notice be issued to Mr. Vanka Ray, son of Chhathu Ray @ Chhathu Rai, resident of Village-Kasawa, Kadamawa, P.S.-Ghorasahan, District-East Champaran calling upon him to furnish his show cause within four weeks from today as to why an appropriate proceeding be not lodged against him.

List this case under the heading 'To Be Mentioned' with the explanation after four weeks i.e. on 22.09.2021 at the top of the list.

(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'.