

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20768 of 2020

Arising Out of PS. Case No.-491 Year-2019 Thana- KESARIA District- East Champaran

Kundan Kumar @ Rocky, aged about 22 years, Male, Son of Kameshwar Prasad, Resident of Village- Bishambharpur, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-03-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Kesariya P.S. Case No.491 of 2019 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

By order dated 09.03.2021, a report was called for in the present case. Report is enclosed at Flag 'C'.

Learned 14th Additional District and Sessions Judge, East Champaran, Motihari submits that bail petition, filed on behalf of the petitioner, has already been rejected by the learned 7th Additional Sessions Judge, Motihari vide B.P. No.1835 of 2019 dated 07.01.2020 as well as Hon'ble High Court, Patna vide Cr. Misc. No.4972 of 2020 dated 29.01.2020 but with a suitable observation, "However, once charge has been framed in this case or petitioner has remained in custody for six months, whichever is earlier, the petitioner is liberty to renew his prayer for bail."



Learned 14th Additional District and Sessions Judge, East Champaran, Motihari has granted bail to the petitioner. However, it is also mentioned in the report that in paragraph-2 of the bail petition, learned counsel for the petitioner has not disclosed that another Cr. Misc. No.20768 of 2020 has been pending before the Hon'ble High court, Patna. This Court came to the notice of this fact for the first time on 15.03.2021. Another bail application (Cr. Misc. No.20768 of 2020) has been pending before the Hon'ble High Court, Patna, which was disclosed upon receipt of the order dated 09.03.2021 passed by the Hon'ble High Court, Patna.

Considering this fact, learned counsel for the petitioner has suppressed this fact before the court below. Learned 14th Additional District and Sessions Judge, East Champaran, Motihari is directed to take action against the petitioner according to law and submit the report before this Hon'ble Court within four weeks.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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