

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32928 of 2020

Arising Out of PS. Case No.-188 Year-2020 Thana- JAHANABAD District- Jehanabad

Siya Ram Ray Son of Kalapnath Ray Resident of Village - Moinpura, P.S. -
Nonhara, District - Gajipur. (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate

For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-03-2021 The petitioner was allowed bail by this Court by order dated 19.03.2021 considering the fact that some other co-accused similarly situated were allowed bail by this Court and the petitioner had stated on oath that he has got no criminal antecedent.

Learned counsel for the petitioner seeks modification in the said order to the extent that the sentence “the petitioner has stated on oath that he has got no criminal antecedent” is error of record as the petitioner has already mentioned his criminal cases in para-3 of the bail petition.

On perusal of the bail petition it appears that the last sentence on page No.2 reads as follows:

“That the petitioner having no any criminal history or bad antecedents.”



Thereafter, page-3 states as follows:

“That the deponent just now learnt about some one case due to political rivalry against Gajipur Don Mukhtar Ansari and Krishna Nand Ray, wherein petitioner is supporter of Krishna Nand Ray, i.e., Kasimabad P.S. Case No.611 of 2009 registered under Sections 399/411 IPC, Kasimabad P.S. Case No.620 of 2009 under Sections 25(1-b)a/26/35 of the Arms Act, Kasimabad P.S. Case No.424 of 2009 wrongly mentioned in case-diary as Kasimabad P.S. Case No.824 of 2009 a case under Section 3(1) of the Gangster Act, Kasimabad P.S. Case No.54 of 2009 registered under Sections 25(1-b)a/26/35 of the Arms Act, Nonhara P.S. Case No.358 of 2009 registered under Sections 110 Cr.P.C., Nonhara P.S. Case No.1233 of 2009 a case under Gunda Act. All registered in the State of U.P. Nonhara P.S. Case No.202 of 1992, registered under Section 498A/304B/201 of the Indian Penal Code, Rajpur P.S. Case No.53 of 2003 under Section 364 of the Indian Penal Code, Bhanwarkol P.S. Case No.367 of 2015 registered under Sections 392/411 of the Indian Penal Code and Bareshar P.S. Case No.184 of 2016 registered under Sections 147/302/420/364/120B/404/34 of the Indian Penal Code.”

In fact, this Court was misled by starting statement in



para-3 of the bail petition wherein the petitioner is required to disclose his criminal antecedent as reproduced in the beginning of para-3 at page-2.

Since the petitioner is having criminal antecedents, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the order dated 19.03.2021, whereby bail was granted to the petitioner due to error of record, stands recalled.

(Birendra Kumar, J)

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