

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46722 of 2021

Arising Out of PS. Case No.-670 Year-2020 Thana- ARARIA District- Araria

TIPPU SULTAN S/O KHURSHID R/o village- Budeshwari Ward No. 8,
P.O.- Mohanpur, P.S.- Bairgachhi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Manini Jaiswal, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

This application has been filed seeking regular bail in connection with Bairgachhi Araria P.S. Case No.670 of 2020 registered for the offences punishable under Sections 147, 148, 341, 323, 325, 302 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier the petitioner had moved this Court in Cr.Misc.No.12985 of 2021 which was allowed vide order dated 16.06.2021 subject to the conditions inter-alia that “ the court below shall verify the criminal antecedent of the petitioner no.2 and in case at any stage it is found that the petitioner no.2 has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.2....”

Learned counsel submits that later on it was noticed that the petitioner no.2 has got one criminal antecedent being Bairgachhi Araria P.S. Case No.212 of 2020 lodged under Sections 323 and 379 of the Indian Penal Code. In view of the conditions placed in the order of this Court in Cr.Misc.No.12985 of 2021, the bail bond of the petitioner no.2 has not been accepted by the learned court below.

It is further pointed out that the petitioner no.2 had preferred a modification application vide Cr.Misc.No.38180/2021 but the same was not entertained and was permitted to be withdrawn with liberty to file a fresh application for grant of regular bail.

It is submitted that in the aforementioned background of the facts and circumstances the present application has been filed on behalf of the petitioner no.2 (Tippu Sultan) of Cr.Misc.No.12985 of 2021.

Learned counsel submits that now for one mistake the petitioner has already remained in jail for an additional period of about five months, hence, he may be ordered to be released on bail.

Learned APP for the State has opposed the prayer for



regular bail of the petitioner, but considering the facts and circumstances of the case and regard being had to the order dated 16.06.2021 passed in Cr.Misc.No.12985 of 2021 containing the reasons whereunder petitioner no.2 has been granted bail, this Court directs that the present petitioner (Tippu Sultan) 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 Chief Judicial Magistrate, Araria in connection with Baigachhi Araria P.S. Case No.670 of 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.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

