

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49378 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- RAGHOPUR District- Supaul

Sushil Kumar, S/o Bhupendra Yadav, R/o village- Dahipauri, Ward No. 02,
P.S.- Ram Bishunpur, P.S.- Raghopur, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pranav Kumar, Advocate

For the Opposite Party : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioner and Md.
Mushtaque Alam, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sessions Trial No. 64/2021 arising out of Raghopur P.S. Case No. 251 of 2020 registered for the offence under Sections 413, 411/34 of the Indian Penal Code.

Earlier the petitioner had moved this Court in Cr. Misc. No. 13537/2021 for grant of regular bail in the present case which was allowed by this Court subject to the conditions mentioned therein.

It appears that the petitioner has got one criminal antecedent, however, the same was not correctly stated while filing the Cr. Misc. No. 13537/2021, as a result whereof this Court took note of the fact that the petitioner had no criminal antecedent. The bail bond of the petitioner has not been



accepted by the learned court below as on verification it has been found that the petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that the petitioner is on bail in Raghopur P.S. Case no. 10 of 2020, however, inadvertently the same was not stated in paragraph '3' of Cr. Misc. No. 13537/2021. For this mistake on the part of the petitioner, he has already remained in custody for about four months despite order directing grant of bail to the petitioner.

Md. Mushtaque Alam, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner.

Considering the material discussed in the order dated 27.07.2021 passed in Cr. Misc. No. 13537/2021 and the submission of learned counsel for the petitioner that there was an inadvertent mistake on the part of the petitioner in not stating one criminal antecedent in the earlier petition and presently he is on bail in the said case, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – VII, Supaul in connection with Raghopur P.S. Case No. 251 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

