

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54739 of 2021

In
CRIMINAL MISCELLANEOUS No.42533 of 2019

Arising Out of PS. Case No.-856 Year-2018 Thana- KOTWALI District- Patna

Awadh Kishore Tiwary @ Awadhesh Tiwary Son Of Late Jai Shankar Tiwary
Resident Of Village - Barwat Prasrain, P.S.- Bettiah (M), Distt.- West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey,Advocate
For the Opposite Party/s : Mr.Rajendra Singh,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 pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

This modification application has been filed seeking
modification of the order dated 18.08.2021 passed in Cr. Misc.
No. 42533 of 2019.

Learned counsel for the petitioner submits that in the
petition filed before this Court, it is correctly stated in paragraph
'3' that the petitioner has got two criminal antecedents. Despite
this, learned counsel informs that when an online application
was filed in the learned court below for surrender and
submission of bail bond, the same was not taken on the record
and instead the petitioner has been advised to get modified the



order of this Court because the antecedent is not mentioned in the order passed by this Court.

In the opinion of this Court, this application is only misconceived. As per condition mentioned in the order dated 18.08.2021 unless it comes to the notice of the learned court below that the petitioner has concealed his criminal antecedent, there was no reason for the learned court below not to accept the bail bond. In this case, the petitioner could have satisfied the learned court below with a copy of the petition filed before this Court that he had disclosed his two criminal antecedents.

In the circumstances, this Court is of the opinion that if the petitioner surrenders and submits his bail bond within two weeks from today, the same will be considered and the benefit of the order dated 18.08.2021 shall be given to the petitioner.

The application stands disposed of accordingly.

(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'.

