

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54710 of 2021

In
CRIMINAL MISCELLANEOUS No.5515 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- SANOKHAR District- Bhagalpur

-
1. PAWAN KUMAR SAH, S/o Late Sahdeo Sah, R/o village- Azagama, P.S.- Kharik, District- Bhagalpur
 2. Raj Kapoor Mandal, S/o Late Radhakant Mandal, R/o village- Simrda, P.S.- Muffasil, District- Godda (Jharkhand)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 At the outset, learned counsel for the petitioners seeks permission to confine this application with regard to the petitioner no. 2 namely Raj Kapoor Mandal only. According to him, petitioner no. 1 has been already released on bail pursuant to the order dated 15.04.2021 passed in Cr. Misc. No. 5515 of 2021.

Learned counsel for the petitioner submits that as regards petitioner no. 2 it has been noticed later on that he was accused in one case being Godda (M) P.S. Case No. 232 of 2010, however, the petitioner was acquitted in the said case but because the same was not mentioned in the earlier petition and did not find place in the order of this Court, his bail bond has not been accepted.

Learned counsel submits that under a bonafide belief that the case in which the petitioner has been acquitted would not be



counted towards the criminal antecedent, he has not mentioned the said case.

Learned A.P.P. for the State has not opposed the prayer for modification of the order dated 15.04.2021 in view of the submissions made on behalf of the petitioner that the petitioner no. 2 stands acquitted in the one case which was there against him.

In the facts and the circumstances and in the kind of submissions made before this Court, this Court deems it just and proper to modify the order dated 15.04.2021 passed in Cr. Misc. No. 5515 of 2021 .

Let on page no. 2 of the said order in first paragraph in place of the word “.....having no criminal antecedent” it be recorded that “the petitioner no. 1 has got no criminal antecedent whereas petitioner no. 2 had got one case on his head in which he has been acquitted.”

Rest of the order dated 15.04.2021 passed in Cr. Misc. No. 5515 of 2021 shall remain intact.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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'.

