

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65084 of 2021

Arising Out of PS. Case No.-12 Year-2001 Thana- SIKARHATTA District- Bhojpur

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BIMAL KUMAR RAI @ VIMAL KUMAR RAY, Son of Gagarnath Ray @
Jagarnath Rai @ Jagannath Rai, R/O Village - Bagar, P.S.- Sikrahata @
Sikarhata @ Sikarhatta, District - Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.V.M.K. Sinha, Advocate
Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-11-2021 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.

Petitioner in the present case is seeking regular bail in

Session Trial No. 350 of 2019 arising out of Sikrahata @

Sikarhata @ Sikarhatta P.S. Case No. 12 of 2001 registered for

the offence punishable under Section 302, 120(B)/34 of the

Indian Penal Code, Section 27 of the Arms Act and Section 17

of the C.L.A.Act.

Earlier his prayer for bail was allowed by this Court in

the second attempt in Cr. Misc. No. 29929 of 2020, however,



one of the conditions prescribed in the said order of this Court resulted in verification of the criminal antecedent of the petitioner and on finding that he has got two criminal antecedents, his bail bond has been cancelled by the learned court below and he has been taken into custody.

Learned counsel for the petitioner submits that the petitioner was not aware of the two cases which were there against him as a result whereof he did not disclose about those two cases.

Learned counsel submits that presently the petitioner has been taken into custody on 17.09.2021 by the learned court below and, therefore, for his fault he has again undergone more than two months of custody.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner as according to him, the petitioner has suppressed his criminal antecedent.

Considering the fact that the petitioner was granted bail by this Court on it's own merit vide order dated 07.12.2020 and for the alleged fault on his part in not declaring the two criminal antecedents but then in both the cases he is on bail as stated in paragraph '3' and has already suffered more than two



months of custody for the said fault, this Court directs release of the petitioner above named 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 3rd Additional Sessions Judge, Bhojpur in connection with Session Trial No. 350 of 2019 arising out of Sikrahata @ Sikarhata @ Sikarhatta P.S. Case No. 12 of 2001, 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)

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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'.

