

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.336 of 2022**

Arising Out of PS. Case No.-54 Year-2021 Thana- PALASI District- Araria

Dayanand Sah, Son Of Late Gulay Sah @ Gulab Sah, R/O Village- Sohagpur,
Ward No.12, P.S.- Palasi, District- Araria (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Shiv Pujan Kumar, son of Not Known R/O As P.S.I. cum SHO, Palasi P.S.,
District-Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrigendra Kumar, Advocate
For the State : Mrs.Usha Kumari-1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 21-12-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

No one appears for the informant despite service of
notice.

I.A. No. 1 of 2022

For the reasons stated in the application, the delay in
filing of this appeal stands condoned.

I.A. No.1 of 2022 stands allowed.

Learned counsel for the appellant submits that in fact
the appellant was granted bail by this Court vide order dated
01.09.2021 in Cr. App. (SJ) No. 2938 of 2021 (Annexure '1')
but he could not be released on bail because of the condition



imposed therein which reads as under:-

“And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the appellant. 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.”

Learned counsel submits that inadvertently the appellant had not disclosed that there are two cases pending against him. He had disclosed that the appellant has no criminal antecedent but at this stage, he has correctly stated about both the cases in paragraph ‘3’ of this appeal.

Learned counsel submits that under these circumstances, despite the appellant having been granted bail has remained in custody for more than one year.

Learned Spl.P.P. for the State does not oppose the same.

In these circumstances, this Court directs that the appellant abovenamed be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Spl. (SC/ST) Case No.40/21 arising out of Palasi



P.S. Case No.54/2021, 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 appellant and in case at any stage it
is found that the appellant has concealed his criminal antecedent,
the court below shall take steps for cancellation of bail bond of the
appellant. 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 appeal is allowed.

(Rajeev Ranjan Prasad, J)

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