

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44130 of 2022**

**In
CRIMINAL MISCELLANEOUS No.66708 of 2021**

Arising Out of PS. Case No.-296 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sukhdeo Prasad Son of Late Ramdeo Prasad Resident of village - Dhekaha
Fakira Tola, P.S.- Muffasil, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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

3 21-12-2022 This application seems to have been filed for

modification of the order dated 13.05.2022 passed in Cr. Misc.

No. 66708 of 2021.

By the said order, this Court had directed release of

the petitioner on bail in connection with Muffasil P.S. Case No.

296 of 2019 registered for the offences under Sections 302,

120(B), 201, 379/34 of the Indian Penal Code.

This Court had put a condition that the criminal

antecedent of the petitioner shall be looked into by the learned

court below and in case, it is found that the petitioner has

concealed his criminal antecedent, the court below shall take

steps for cancellation of bail of the petitioner.

On perusal of this petition, it appears that pursuant to



the aforesaid order, the petitioner was released from custody but later on it was found that he has wrongly stated that there was no criminal antecedent whereas he was accused in Muffasil P.S. Case no. 228 of 2010 under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code which was lodged by his villager and in the said case, he was on bail.

It is his submission that his wife was a deponent of the said case who is an illiterate lady and could not disclose the criminal antecedent of the accused as a result thereof he could not make correct statement in paragraph '3' of the application.

Be that as it may, in the opinion of this Court, the modification application, as framed, would not be maintainable.

The petitioner may, if so advised, file a fresh bail application after surrender in the learned court below.

This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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