

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38110 of 2022**

**In
CRIMINAL MISCELLANEOUS No.20228 of 2022**

Arising Out of PS. Case No.-153 Year-2021 Thana- SURSAND District- Sitamarhi

BIKRAM MUKHIYA Son of late Yogi Mukhiya, Resident of Village - Shree
Khandi, Bhitha, Ward no.3, P.s.- Sursand, Distt.- Stamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 27-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner and the

learned APP for the State.

This application has been filed for modification of the

order dated 31.05.2022 passed in Cr. Misc. No. 20228 of 2022.

The petitioner was granted regular bail, vide order

dated 31.05.2022 in Cr. Misc. No. 20228 of 2022, in which one

of the conditions was that the bail bond shall be accepted only

after verification of criminal antecedent of the petitioner.

The learned counsel for the petitioner has submitted



that the bail bond furnished by the petitioner is not accepted by the court below referring Sessions Trial No. 335 of 2002/231 of 2005, arising out of Sursand P.S. Case No. 61 of 2001, in which the petitioner was accused. As a matter of fact, the petitioner was acquitted by the 3rd Additional Sessions Judge, Sitamarhi, vide judgment and order dated 07.01.2006. The copy whereof has been annexed as Annexure-2.

As the petitioner has been acquitted in that case, that cannot be treated as criminal antecedent of the petitioner. The learned court below may accept the bail bond if there is no any other reason of not accepting the bail bond.

With these observations, this modification application is being disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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