

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43995 of 2022

In
CRIMINAL MISCELLANEOUS No.58810 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- HARNAUT District- Nalanda

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1. Sadhu Singh.
 2. Arjun Singh.
Both Sons of Raghu Singh and Resident of Village - Teera, P.S. - Harnaut,
District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The Cr. Misc. No.58810 of 2021 was heard and
allowed on 12.04.2022 taking into account amongst other the
statement made in para-3 of the bail application that the
petitioners have fair antecedent. While allowing the bail
application, a rider was there in the order:

*(i) the Trial court shall satisfy itself on the
criminal antecedent of the petitioner herein
while releasing him on bail;*

Now a modification petition vide Cr. Misc. No.43995
of 2022 has been filed stating on record that the petitioner no.1
do have criminal antecedent inasmuch as he is accused in



connection with Harnaut P.S. Case No.107 of 2011 under Sections 323, 341, 337, 504, 34 of the Indian Penal Code.

It is thus clear that a false statement was made in the bail application by the Vinod Kumar and Dr. Ajeet Kumar. Such action on the part of the learned counsel for the petitioner on record namely Mr. Vinod Kumar and Dr. Ajeet Kumar is deprecated as instead of writing in para-3 of the bail application that the petitioner do not have criminal antecedent they deliberately circumvented the line to make statement that 'the petitioners have fair antecedent'. It was only because of the rider that was made in the bail application that the they have now been forced to disclose about the criminal antecedent of petitioner no.1 as accused in connection with Harnaut P.S. Case No.107 of 2011 under Sections 323, 341, 337, 504, 34 of the Indian Penal Code.

They are cautioned not to repeat the said act failing which necessary adverse steps may be taken against them.

In view of the fact that the petitioner no.1 is still in custody in view of the said rider, so far as the said petitioner no.1 namely Sadhu Singh is concerned, the said rider is waived off and the order with respect to the petitioner no.1 is modified in following manner:



Taking into account the aforesaid facts as also the fact that charge sheet has already been submitted in the matter and he is in jail since 30.01.2021, let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(twenty five thousand) with two sureties of the like amount each in connection with Harnaut (Chero) P.S. Case No.340 of 2020 to the satisfaction of learned Additional Sessions Judge, IIIrd, Nalanda at Biharsharif, subject to following conditions:

(i) the petitioner no.1 shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(ii) the petitioner no.1 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial court itself.

(iii) the petitioner no.1 shall visit the concerned police station every fortnight to made



his attendance till the conclusion of the Trial.

The order dated 12.04.2022 is thus modified to that
extent.

(Rajiv Roy, J)

Prakash Narayan /-

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