

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44215 of 2022

Arising Out of PS. Case No.-221 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

RAJPAL KUSHWAHA S/o Uday Chandra Bhagat @ Uday Narayan Bhagat
Resident of Village - Banjari, P.S.- Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra,Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin,Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-11-2022 Though the present petition has been filed for grant of regular bail in connection with Gopalganj Town P.S. Case No. 221 of 2020, registered for the offences punishable under Section 307, 326, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act, however, it has been pointed out by the learned counsel for the petitioner that the petitioner had earlier approached this Court for grant of regular bail and this Court by an order dated 05.05.2022, passed in Criminal Miscellaneous No. 68272 of 2021, had granted bail to the petitioner on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Gopalganj Town P.S. Case No. 221 of 2020, nonetheless, the same was made subject to verification of the fact as to whether the petitioner is an accused



only in two other criminal cases.

The Ld. Counsel for the petitioner has submitted that upon enquiry and verification, it has transpired subsequently that the petitioner is not only accused in two other criminal cases but he is an accused in four other criminal cases, although the fact of the matter is that out of the said four criminal cases, two cases have been compromised amongst the parties and the petitioner was minor at the time of lodging of the said two criminal cases, hence, the petitioner had thought that for all purposes the said two criminal cases are non-existent. In such view of the matter, the petitioner did not approach the Ld. Court below for grant of bail and thought it proper to approach this Hon'ble Court to set the records right after liberty was granted to the petitioner to file a fresh bail petition, by an order dated 07.07.2022 passed in Criminal Misc. No. 35059 of 2022, which had been filed for modification of the earlier order of this Court dated 05.05.2022 and the petitioner had sought to disclose his criminal antecedents, totalling four in all. But then, admittedly the petitioner has approached this Court directly, after exhaustion of his remedy against the order dated 29.10.2021 passed by the Ld. Trial Court in Bail Petition No. 845 of 2021.

In view of the aforesaid, the learned counsel for the



petitioner submits that the petitioner would again approach the learned Court below for grant of bail, however, the learned Court below be directed to consider the case of the petitioner sympathetically, in view of the fact that this Court, after consideration of the entire materials available on record, had deemed it fit and proper to grant regular bail to the petitioner. It is directed accordingly.

The present petition stands disposed off as not pressed, however with liberty to the petitioner to approach the learned Court below, for grant of bail.

(Mohit Kumar Shah, J)

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