

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62334 of 2021

Arising Out of PS. Case No.-50 Year-2019 Thana- BARAUNI RAIL P.S. District- Begusarai

Manikant Kumar @ Manikant Paswan @ Manikant Kumar Paswan, Son Of
Umesh Paswan, Resident of Village- Paharchak- Ward No.-27, P.S.- Muffasil,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barauni Rail P.S. Case No. 50 of 2019 registered for the alleged offences under Section 414/34 of the Indian Penal Code and Section 137, 145 and 147 of the Indian Railway Act and Section 20/22 of the N.D.P.S. Act.

As per the prosecution case, the petitioner was apprehended for possession of 24 tablets of 'Ativan'.

Learned counsel for the petitioner submits that the petitioner moved for bail before this Court by filing Cr. Misc.



No. 56538 of 2019 and he was granted bail by this Court vide order dated 06.09.2019. However, in paragraph 3 of the petition in the above noted Cr. Misc. No. 56538 of 2019, it was mentioned that the petitioner was not having criminal antecedent. But later on, it transpired that the petitioner was having a criminal antecedent and he concealed this fact and when this fact came to the knowledge of this Court, vide order dated 11.12.2019 passed in Cr. Misc. No. 48567 of 2019, a Co-ordinate Bench directed that the State might apply for cancellation of bail granted to this petitioner. However, by filing a supplementary affidavit, it has been submitted on behalf of the petitioner that after passing of the order in Cr. Misc. No. 56538 of 2019, the bail bonds have not been furnished on behalf of the petitioner and he has been in custody since 27.04.2019. Vide order dated 12.04.2022, the petitioner was directed to file a supplementary affidavit along with copy of order dated 06.03.2020 canceling the bail granted to this petitioner. Though, supplementary affidavit has been filed, but no order for cancellation of bail has been brought on record. However, learned counsel for the petitioner submits that there is no such order as the petitioner has not been furnished his bail bond.

Learned APP opposes the prayer for bail.



Having regard to the facts and circumstances and considering the period of custody of this petitioner along with the nature of allegation, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni Rail P.S. Case No. 50 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Bhushan Kumar, brother of the petitioner, who has sworn the affidavit in this case.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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