

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56525 of 2022
In
CRIMINAL MISCELLANEOUS No.47558 of 2021

Arising Out of PS. Case No.-425 Year-2020 Thana- TURKAULIYA District- East
Champanan

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Laxmi Sahani Son of Prabhu Sahani R/V- Chilwaniya, P.S- Banjariya, Dist-
East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Singh, Sr. Advocate.
		Mr. Prateek Tandon, Advocate.
For the Opposite Party/s :		Mr. Dashrath Mehta, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-11-2022 Heard Mr. Rajesh Singh, learned senior counsel

assisted by Mr. Prateek Tandon, learned counsel for the

petitioner and Mr. Dasrath Mehta, learned A.P.P. for the State.

The petitioner has filed the present application under

Section 482 Cr.P.C. for the following reliefs:

*“That this is an application for modification of
order dated 23.08.2022 passed in Cr. Misc. No.
47558 of 2021 by Hon’ble Mr. Justice Purnendu
Singh by which his lordship was pleased to allow
the bail application filed on behalf of the petitioner
and further directed vide clause (v) to verify
criminal antecedents of the petitioner apart from
antecedents mentioned in para 3 of the main bail
application and if it is found that the petitioner is
involved in some other case as what has been
stated in para 3 of the bail petition, bail order will*



automatically loose its force.”

Learned senior counsel appearing on behalf of the petitioner submitted that the petitioner was granted bail vide order dated 23.08.2022 passed in Cr. Misc. 47558 of 2021 with direction to the court below to verify the criminal antecedent of the petitioner. In compliance of the aforesaid order, a report was called for by the Court of learned Chief Judicial Magistrate, East Champaran, Motihari from S.H.O., Turkauliya (Banjaria) P.S. regarding criminal antecedent of the petitioner. The concerned SHO had submitted his report disclosing that eight criminal cases are pending against the petitioner including the present case being Turkauliya (Banjaria) P.S. Case No. 425 of 2020 and Motihari Town P.S. Case No. 367 of 2007. It is submitted by learned counsel that the concerned SHO of Turkauliya (Banjaria) Thana has mentioned in his report that in Motihari Town P.S. Case No. 367 of 2007, petitioner has been charge-sheeted, but the said information is incorrect, because the petitioner has already been acquitted in the said case vide order dated 30.04.2009 passed in Sessions Trial No. 3247 of 2008. He further submitted that the petitioner has been penalized simply because some incorrect information has been given by the concerned SHO.

Learned counsel further submitted that as upon the



proper scrutiny of the record reveals that the petitioner was already acquitted vide order dated 30.04.2009 passed in Sessions Trial No. 3247 of 2008 there was no requirement of having made reference of the said case in bail application in paragraph no.3 or, in supplementary affidavit dated 08.02.2022 and second supplementary affidavit dated 13.02.2022. He had given details of all the six cases pending against the petitioner and the present case Turkauliya (Banjara) P.S. Case No. 425 of 2020 out of which the present bail application arises which also finds reference in the report submitted by the S.H.O., Turkauliya (Banjaria), district Motihari in his letter dated 14.09.2022.

Learned counsel further submitted that all the six cases are also mentioned in paragraph no.6 of the present application filed under Section 482 of the Code of Criminal Procedure, 1973. The petitioner under above circumstances seeks direction of this Court for acceptance of his bail bond by the Court below.

Having heard the parties and upon perusal of the pleading made in the present application, it appears that no suppression/incorrect information regarding the criminal antecedent of the petitioner has been made. This Court directs the Court below to accept the bail bond of the petitioner in terms



of the order dated 23.08.2022 passed in Cr. Misc. No. 47558 of
2021 and forthwith release the petitioner.

Accordingly, the present application is allowed.

(Purnendu Singh, J)

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