

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.69387 of 2021**

Arising Out of PS. Case No.-193 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Arun Sahni, son of Brahamdev Sahni, Resident of village - Bijay Chhapara,
P.S.- Ahiyapur, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-01-2022 Heard learned counsel for the petitioner and Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Ahiyapur P.S. Case No. 193 of 2020 registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a)/36 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that earlier the petitioner was granted bail by this court in Cr. Misc. No. 19518/2021 vide order dated 24.07.2021, but in view of the condition prescribed therein since the petitioner has not disclosed the two criminal antecedents, his bail bond has not been accepted by the learned court below. Hence, the present application.



Learned counsel for the petitioner submits that the petitioner had filed a modification application which was later on withdrawn with liberty to file fresh application. So far as the two other cases are concerned, it is submitted that those are stated in paragraph '3' of the present application and the petitioner is in jail in both the cases. Learned counsel, thus, submits that petitioner who has already suffered because of mis-statement and has remained in custody for over six months after grant of order of release by this court, he may be enlarged on bail.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the entirety of the facts and circumstances of the case, earlier order granting bail to the petitioner on 24.07.2021, his statement that he is on bail as stated in paragraph '3' and he has remained further six months in custody, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Ahiyapur P.S. Case No. 193 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

