

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.68403 of 2021**

Arising Out of PS. Case No.-284 Year-2020 Thana- CHHAURADANO District- East
Champaran

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Sanjay Kumar, son of Jawahar Lal Prasad, Resident of Village- Pipra Ward
No. -11, P.S.- Darpa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 12-01-2022 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned Additional Public Prosecutor for the

State.

Petitioner has moved this fresh application before this
court for grant of regular bail in connection with Chhauradano
P.S. Case No. 284 of 2020 registered for the offence under
Sections 399, 402 and 414 of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms Act.

Earlier he was granted bail in Cr. Misc. No.
19588/2021 vide order dated 03.08.2021 but in view of the
condition prescribed therein when it was found that petitioner
has got one criminal antecedent his bail bond has not been
accepted.



Learned counsel for the petitioner has explained in paragraph 10 of the present petition that in fact the petitioner was firstly arrested in this case and was subsequently remanded in Darpa P.S. Case No. 150/2020 and this fact was not disclosed in the present case under impression that prior to the present case he was not an accused in any other case. Learned counsel submits that so far as the present case is concerned, this court having considered the facts and circumstances has been pleased to enlarge him on bail. For the bonafide mistake on the part of the petitioner, the petitioner having already remained in custody for about six months after grant of bail by this court, he has been sufficiently punished, thus, at this stage the petitioner may be enlarged on bail.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering that the petitioner has been earlier granted bail by this court and that at this stage he has placed before this court that petitioner has got one criminal antecedent, this court having noticed that he has already remained in custody in connection with this case since 22.10.2020 and other reasons stated in the order dated 03.08.2021, 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 Sri Sanjay Kumar-VI, learned Judicial Magistrate - 1st Class, Raxaul at Motihari in connection with Chhauradano P.S. Case No. 284 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'.

