

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.70664 of 2021**

**In
CRIMINAL MISCELLANEOUS No.26226 of 2020**

Arising Out of PS. Case No.-356 Year-2019 Thana- GORAUL District- Vaishali

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PANKAJ KUMAR, S/o Ganga Rai, R/o village- Bedauliya, P.S.- Goraul,
District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, A.P.P.

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

2 12-01-2022 Heard Mr. Mahendra Thakur, learned counsel for the

petitioner and Dr. Mrityunjaya Kumar Gautam, learned A.P.P.

for the State.

Petitioner in the present case is seeking modification
of the order dated 13.10.2020 passed in Cr. Misc. No. 26226 of
2020 to the extent that in its last paragraph the observation of
the Court with regard to verification of the criminal antecedent
of the petitioner be read in consonance with the statement made
by the petitioner in his petition giving rise to Cr. Misc. No.
26226 of 2020.

Learned counsel for the petitioner has explained to
this Court with reference to the statement made in paragraph '4'



of the present petition that in this case the petition was filed online during the pandemic period on 15.06.2020, the token number was also generated on 20.06.2020, however, the case number was allotted on 05.10.2020. On the date of filing of the petition, indeed the petitioner had no criminal antecedent but thereafter he came to know that his name has been brought in connection with Goraul P.S. Case No. 293 of 2019 on the basis of confessional statement of co-accused whereafter the petitioner himself filed a petition in the learned court below on 22.06.2020 for his remand in this case and that created a criminal antecedent against the petitioner.

Learned counsel submits that during the pandemic period the fact that the petitioner has been taken on remand in connection with Goraul P.S. Case No. 293 of 2019 could not be duly communicated to him as a result whereof it was not brought to the notice of this Court while arguing the matter on 13.10.2020. It is submitted that in fact the petitioner has been granted bail in Goraul P.S. Case No. 293 of 2019 but because of the condition prescribed in the order of this Court, the learned court below has not accepted the bail bond in the present case.

Dr. Mrityunjaya Kumar Gautam, learned A.P.P. for the State submits that though on the date of filing of the petition the



petitioner has no criminal antecedent but subsequent developments should have been brought to the notice of this Court.

Be that as it may, considering that on the date of filing of the petition, the petitioner had got no criminal antecedent and it was the pandemic period during which subsequently the development that he had been taken on remand in one more case could not be brought to the notice of learned counsel for the petitioner, this Court is willing to give benefit of the circumstances to the petitioner.

Let the learned court below accepts the bail bond of the petitioner taking that there is no concealment of the criminal antecedent and the condition prescribed in the order dated 13.10.2020 in Cr. Misc. No. 26226 of 2020 shall not come in the way of the learned court below in accepting the bail bond of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

