

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.169 of 2022**

Arising Out of PS. Case No.-60 Year-2019 Thana- RAJAON District- Banka

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Makeshwar Mandal S/o Late Prasadi Mandal Resident of Village- Tekani,
P.S.- Rajoun, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar Jha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-09-2022 Learned counsel for the appellant is directed to

remove all the defects within two weeks from today.

Heard learned counsel for the petitioner and Mr.

Sadanand Paswan, learned Spl.P.P. for the State.

Although consent was given by Ms. Usha Kumari-1,

learned Spl.P.P. for the State, but she is not present. In her

absence on the request of this Court, Mr. Sadanand Paswan,

learned Spl.P.P. has made submissions.

It appears on perusal of the order dated 04.08.2021

passed in Cr.Appeal (SJ) No.2173 of 2020 that this Court had

vide a detailed order granted bail to the appellant subject to the

conditions one of which was that the learned court below shall

verify the criminal antecedent of the appellant and in case at any



stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant.

It transpired later on that the appellant had concealed his criminal antecedent in the petition. He has got four criminal antecedents out of which in one case he has been acquitted but three cases are pending in which he claims to be on bail. This fact was not stated in the petition earlier. For this reason the bail bond of the appellant has not been accepted and he has remained in jail despite getting order of bail from this Court in the present case.

Learned counsel for the appellant submits that the appellant has sufficiently been punished by remaining in jail for over one year two months approximately.

Learned Spl.PP for the State does not controvert the submission and it is submitted that the appellant has already suffered for not correctly stating the criminal antecedents in the petition on earlier occasion.

In the aforesaid view of the matter, this appeal is allowed in terms of the order dated 04.08.2021 passed in Cr.Appeal (SJ) No.2173 of 2020. Let the learned court below enlarge the appellant on bail on furnishing bail bond subject to



the condition and other condition mentioned in the order dated
04.08.2021 in Cr.Appeal (SJ) No.2173 of 2020.

This appeal stands disposed of accordingly.

The certified copy of the order will be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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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'.

