

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64744 of 2022

Arising Out of PS. Case No.-288 Year-2020 Thana- SUPPI District- Sitamarhi

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Gulshan Kumar @ Gulshan Kumar Singh @ Lulua Son Of Late Gauri Shankar Mahto @ Gauri Shankar Singh R/O Vill.- Barahi Chintaman, P.S.- Suppi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-11-2022 Heard Mr. Virendra Kumar, learned counsel for the petitioner and Mr. Renuka Ratnakar, learned A.P.P. for the State.

Learned counsel appearing on behalf of the petitioner submits that petitioner was released on bail vide order dated 18.01.2022 passed in Cr. Misc No. 39132 of 2021. Learned counsel submit that the bail bond of the petitioner was not accepted as two more criminal cases were pending against the petitioner which was not mentioned in paragraph no. 3 of the bail application. The petitioner has now given correct information in paragraph no. 3 and other part of the pleading of the present bail application which has been filed after rejection of his bail vide order dated 06.09.2022 passed by learned



Special Judge Exclusive Excise Court-I, Sitamarhi.

Learned A.P.P. has opposed the prayer for grant of bail of the petitioner.

The petitioner has earlier moved before this Court for grant of bail in Cr. Misc No. 39132 of 2021 which was a case regular bail relating to Suppi P.S. Case No. 288 of 2020, Sitamarhi. This Court vide order dated 18.01.2022 has released the petitioner on bail subject to the following condition:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

The petitioner by filing the present bail application has stated in paragraph no-3 of the bail application correct information with respect to the number of cases pending against him. It is further submitted by the learned counsel for the petitioner that no substantial progress has taken place in the trial and the petitioner has already been released on bail by this



Court but due to the fact that some incorrect information regarding criminal antecedent of the petitioner was given to him by the *pairvikar* of the case, his bail bond could not be accepted.

Prima Facie the petitioner has made out a case to be released on bail. The petitioner is in custody since 23.12.2020.

Accordingly the petitioner is directed to be released on bail on similar terms and conditions.

(Purnendu Singh, J)

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