

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9097 of 2023

Arising Out of PS. Case No.-470 Year-2021 Thana- KHAJANCHI HAT District- Purnia

SIDDHANT @ SIDDHARTH YADAV SON OF LATE KEDARNATH
YADAV R/O VILL.- NAYA TOLA JURABAGANJ, P.S.- KORHA, DISTT.-
PURNIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 29-03-2023 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

Heard the parties.

The petitioner seeks bail in connection with K. Hat
P.S. Case No. 470 of 2021 registered for the offences punishable
under Sections 379, 401, 411, 413, 414 and 34 of the I.P.C.

As per seizure list, there is alleged recovery of 4
motorcycles in question from the present petitioner and
petitioner is named in the FIR.

Learned counsel for the petitioner submits that earlier
petitioner was granted bail by this Court on 18.07.2022 vide Cr.
Misc. No. 32000 of 2022 on certain conditions. He further
submits that due to averment made in para-3 of said bail petition



in which it is mentioned that petitioner bears no criminal antecedent, this court while granting bail to the petitioner imposed certain conditions in which one of the conditions is that the court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of said bail petition and if the declaration made in paragraph no. 3 of said bail petition is found to be incorrect, the order granting bail will loose its force automatically. He further submits through supplementary affidavit that due to lack of information on part of the deponent of the previous bail petition, one criminal antecedent of the petitioner could not be disclosed and due to the said error in the earlier bail petition, order dated 18.07.2022 automatically loosed its force. He further submits that now petitioner has filed the present petition for grant of bail with declaration that petitioner bears criminal antecedent of one case. He further submits that deponent tenders unqualified apology for the mistake committed by the deponent of the previous bail application.

Learned counsel for the petitioner further submits that petitioner is in custody since 06.06.2021 despite of earlier bail granted to him vide order dated 18.07.2022 passed in Cr. Misc. No. 32000 of 2022 on account of wrong averment regarding



criminal antecedent. He further submits that petitioner has suffered a lot by remaining in custody for near about 1 year 10 months.

Learned APP for the State does not controvert the said submission of learned counsel for the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties coupled with period of custody and also taking into consideration the material available on record, let the petitioner above named by released on bail on furnishing bail bond of Rs. 25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 470 of 2021, subject to following conditions:-

(i) one of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned trial court itself.

(iii) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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