

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6102 of 2023

In
CRIMINAL MISCELLANEOUS No.67721 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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VIRESH KUMAR @ BHULLA S/O LATE ABHINANDAN SINGH @
LATE ABHINAND SINGH Resident of village- Herpur Refinery, O.P., P.S.-
Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present modification application has been filed
seeking modification of the order dated 09.12.2022 passed in Cr.
Misc. No. 67721 of 2022.

Learned counsel for the petitioner submits that by
order dated 09.12.2022 passed in Cr. Misc. No. 67721 of 2022
the petitioner was granted anticipatory bail, however, the
learned Trial Court was directed that the bail bonds of the
petitioner shall be accepted only after verifying his criminal
antecedents and, in the event, if it is found that the petitioner has
more than seven antecedents, the present anticipatory bail order



shall not be acted upon.

Learned counsel submits that, in the anticipatory bail application, he had stated that the petitioner had antecedent of seven cases and, perhaps, the deponent, in the said case, could not instruct the learned counsel for the petitioner properly that there were eight cases instead of seven cases against the petitioner and because of the said lapse, on the part of the deponent of the said case, it was stated in the anticipatory bail application that petitioner has antecedents of seven cases. Learned counsel next submits that it absolutely does not stand to reason that when already seven cases were mentioned in the anticipatory bail application then there was absolutely no occasion to conceal the eighth case but for want of proper instruction. Learned counsel also submits that he has specifically pleaded at para 3 of the present modification application that, initially, he was given instruction with regard to the seven criminal antecedents of the petitioner but at the time of filing of the anticipatory bail application, he was instructed on phone that the petitioner has eight criminal antecedents but while filing, inadvertently, the later instruction escaped his attention. Learned counsel next submits that though the deponent, at the outset, had stated about seven cases but before



filing of the application, he informed about one more case but, inadvertently, the said instruction escaped attention of the learned lawyer while filing the bail application. Learned counsel thus submits that the said mistake, inadvertently, occurred on his part.

Considering the submissions made by the learned counsel for the petitioner, the order dated 09.12.2022 passed in Cr. Misc. No. 67721 of 2022 is modified to be read as:-

“However, the learned Trial Court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedents of the petitioner and, in the event, if it is found that the petitioner has more than eight antecedents, then the present anticipatory bail order shall not be acted upon.”

The modification application is accordingly allowed.

In the event, if the petitioner surrenders on or before 15.02.2023, his bail bonds shall be accepted.

(Satyavrat Verma, J)

Harshpandey/-

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