

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10034 of 2023

Arising Out of PS. Case No.-936 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Bijay Kumar, S/O Anmol Sah @ Amol Sah, R/v- Kahara Ward No. 06, P.S.
and District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case has renewed his prayer for regular bail in connection with Saharsa Sadar P.S. Case No. 936 of 2021 registered for the offences punishable under Sections 302, 201, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 07.12.2021. He has got one criminal antecedent in which he is said to be on bail.

3. Learned counsel for the petitioner submits that as per the prosecution story, on 05.12.2021, the son of the informant was murdered because of the conspiracy hatched by accused Rajeev Paswan and Vikas Paswan along with their relatives and other 2-3 unknown criminals. It is alleged that co-accused Indal Yadav, Ranveer Kumar and Suman Sah one by



one fired upon the son of the informant and he died.

4. Earlier, the petitioner had moved this Court for grant of regular bail in Cr. Misc. No. 48308 of 2022 and the same was allowed vide order dated 09.12.2022 for the reasons stated therein.

5. Learned counsel for the petitioner submits that despite grant of bail by this Court, the bail bond was not accepted by the learned court below in view of the direction of this Court to verify the criminal antecedents of the petitioner and in case it is found that at any stage the petitioner has concealed his criminal antecedents, the court below shall take steps for cancellation of bail bond of the petitioner.

6. Learned counsel submits that the petitioner has got one criminal antecedent which he could not disclose in the earlier bail application. In the present application, it is stated that he is on bail in the said case being Saharsa Sadar P.S. Case No. 1307 of 2018. It is further submitted that for his fault, the petitioner has already spent more than one year in judicial custody.

7. Learned APP for the State is present. It is not disputed that the petitioner had been earlier granted privilege of bail.



8. Having regard to the facts and circumstances stated hereinabove, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Saharsa in connection with S. Tr. No. 115 of 2022 arising out of Saharsa Sadar P.S. Case No. 936 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

