

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19790 of 2023**

**In**  
**CRIMINAL MISCELLANEOUS No.67842 of 2022**

Arising Out of PS. Case No.-507 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

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Rambabu Sahni, Son Of Raghunath Sahni @ Raghuni Sahni Resident Of  
Village- And Po - Koahi, Ps- Mahindwara, Distt- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      12-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The learned counsel for the petitioner submits that the  
present application has been filed seeking modification of the  
order dated 19.12.2022 in Cr. Misc. No.67842 of 2022.

It is next submitted that petitioner was granted  
anticipatory bail by order dated 09.12.2022 in Cr. Misc.  
No.67842 of 2022, but the learned trial Court, before accepting  
the bail bonds, was directed to verify the criminal antecedent of  
the petitioner and in the event, if it was found that petitioner had  
more than four antecedents, then the anticipatory bail order was  
not to be acted upon.

The learned counsel for the petitioner asserts and



submits that petitioner has antecedent of four cases, but one more case being Runnisaidpur P. S. Case No.80 of 2015 was also instituted against the petitioner, but in that case, the police submitted final form no.404 of 2015 dated 06.09.2015 (Annexure-4). It is next submitted that thereafter the final form was accepted by the learned Chief Judicial Magistrate, Sitamarhi by order dated 24.03.2017 (Annexure-5).

The leaned counsel thus submits that as such Runnisaidpur P. S. Case No.80 of 2015 cannot be construed to be reckoned as criminal antecedent of the petitioner, for the reason that police after investigation submitted final form and the same was also accepted by the learned Chief Judicial Magistrate, Sitamarhi.

It is next submitted that petitioner had surrendered before the learned trial Court on 17.01.2023 i.e. within time in compliance of the order dated 09.12.2022 in Cr. Misc. No.67842 of 2022, but on account of the aforesaid case, it was concluded by the learned trial Court that petitioner has more than four case, as such, the petitioner was granted provisional bail, necessitating the petitioner to file the present modification application.

The learned Additional P. P. also concurs with the



submission made by the learned counsel for the petitioner.

In view of the submissions made by the learned counsel for the petitioner, the Court does not feel inclined to modify the order dated 09.12.2022 in Cr. Misc. No.67842 of 2022 as the case Runnisaidpur P. S. Case No.80 of 2015 cannot be added in the criminal antecedent of the petitioner for the reason that final form has already been submitted and accepted by the learned Chief Judicial Magistrate as recorded herein above.

The Court expects that the order recorded is clear and the learned trial Court shall act accordingly i.e. the provisional bail shall be confirmed.

**(Satyavrat Verma, J)**

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