

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24487 of 2023

In
CRIMINAL MISCELLANEOUS No.69186 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- NAANPUR District- Sitamarhi

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1. RAJESH SAH @ SURAJ KUMAR GUPTA Son of Lal Babu Sah R/V-
Nanpur, PS- Nanpur, Distt- Sitamarhi
 2. Manoj Sah son of Lal Babu Sah R/V- Nanpur, PS- Nanpur, Distt- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 19-07-2023 1. Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned A.P.P. for the State files a counter affidavit on behalf of the Superintendent of Police, Sitamarhi bringing to the notice of the Court that petitioners have one criminal antecedent. Learned A.P.P. further submits that petitioners were granted the privilege of anticipatory bail with condition that before acceptance of the bail bonds of the petitioners, the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioners have any criminal antecedent in that event the anticipatory bail order shall not be acted upon. Learned A.P.P. fairly submits that though petitioners surrendered in time but then the antecedent report of the petitioners was not sent to the learned



trial court in time as a result the bail bonds of the petitioners were not accepted.

3. Learned counsel for the petitioners submits that no doubt petitioners had one criminal antecedent but in that case they were acquitted by judgment dated 15.07.2021 in Trial No. 129 of 2020 arising out of Nanpur P.S. Case No. 121 of 2020, dated 15.04.2020. Learned counsel further submits that since the petitioners were acquitted prior to filing of the anticipatory bail application, as such, it was construed that the petitioners were not having any criminal antecedent, accordingly, in para 3 of the anticipatory bail application it was pleaded that petitioners are persons with clean antecedent.

4. Considering the submission made by the learned counsel for the petitioners, the order dated 19.12.2022 in Cr. Misc. No. 69186 of 2022 is modified to read as that if the petitioners surrender within a period of two weeks from today then their bail bonds shall be accepted. Rest of the conditions will remain the same.

5. Accordingly, the modification application is allowed.

(Satyavrat Verma, J)

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