

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29600 of 2022

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

Nandan Kumar, Son of Sri Lalu Yadav @ Lalo Yadav @ Sri Lalu Singh,
Resident of Village - Chhota Hasanpur, P.S.- Khusurupur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr.Advocate Mr.Bijay Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-01-2023 Heard Mr. Ramakant Sharma, learned senior counsel
for the petitioner and Mr. Md. Fahimuddin, learned APP for the
State.

Petitioner in the present case is seeking regular bail in
connection with Barh P.S. Case No.550 of 2019 registered for
the offence under Section 395 of the Indian Penal Code. He is in
custody since 07.12.2020. He has got 7 criminal antecedents and
he is on bail in six of those cases.

Learned senior counsel for the petitioner submits that
earlier while rejecting the prayer for bail of the petitioner on
31.01.2022 in Cr.Misc.No.38458 of 2021, this Court has taken
note of the fact that the name of this petitioner has transpired in
the confessional statement of the co-accused. It is submitted that



earlier this Court was informed that the co-accused similarly situated namely Ashok Yadav @ Ishlok Kumar @ Shlok Kumar had been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.19642 of 2021 vide order dated 15.11.2021 though he had got 9 criminal antecedents, this Court did not follow the said order by pointing out that in the order granting bail there was no mention that the criminal antecedent of the said petitioner was pointed out to the Court.

Learned senior counsel submits that this Court was earlier given to understand that this petitioner has got 19 criminal antecedents which was not a correct fact and that led to rejection of the prayer for bail of the petitioner. The fact is that the petitioner had got only 7 criminal antecedents and out of 7 cases he is on bail in six cases. Learned senior counsel has further placed before this Court a copy of the order dated 24.11.2022 passed in Cr.Misc.No.43733 of 2022 in the case of Pawan Raj @ Pawan Kumar who has been granted bail by a learned coordinate Bench of this Court after noticing that he had got 15 cases and has been granted bail in ten cases. Other allegations are the same.

Learned senior counsel further submits that the co-accused Vikash Kumar has been granted bail by another learned



coordinate Bench of this Court in Cr.Misc.No.65304 of 2021.

The said petitioner had also got criminal antecedents. It is submitted that till date the petitioner has not been put on TIP and there is no identification of the petitioner. The charge has been framed and the petitioner undertakes to appear in course of trial in case he is enlarged on bail.

On the last date, Mr. Md. Fahumuddin, learned APP for the State was granted time to verify about the criminal antecedents of the petitioner. Today, Mr. Md. Fahimuddin has informed that the petitioner has rightly contended in his petition that he has 7 criminal antecedents and in six of them he is on bail. Learned APP is unable to draw any distinction between the case of the petitioner and that of the co-accused who have been granted bail by learned coordinate Benches of this Court.

Having regard to the facts and circumstances of the case, in order to maintain uniformity in justice, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Barh in connection with Barh P.S. Case No.550 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.



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 step 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.

(Rajeev Ranjan Prasad, J)

arvind/-

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

