

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33205 of 2023

In
CRIMINAL MISCELLANEOUS No.67758 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- AKBARPUR District- Nawada

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PAWAN RAM Son of Savindra Ram Resident of Village- Parlo Karhari, Ps-
Akbarpur, dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-05-2023 Heard the parties.

In Cr. Misc. No. 67758 of 2022 which was disposed
of on 26.04.2023, the bail was granted and one of the ground
was that

*‘the petitioner do not have criminal
antecedent and if it is found that he do have
criminal antecedent, the bail order shall become
infructuous’.*

Learned counsel for the petitioner by way of present
modification petition has drawn attention of this Court that
before the case was taken up, a supplementary affidavit was
filed bringing on record the fact that the petitioner do have
criminal antecedent. However, this could not be brought to the



notice of the Court which resulted in the said order.

Taking into account the aforesaid submission and after perusing the Cr. Misc. No. 67758 of 2022, this Court is satisfied that a supplementary affidavit is/was on record filed on 28.11.2022 narrating criminal antecedent of the petitioner in paragraph-3. Thus the order dated 26.04.2023 is hereby modified as follows:

“So far as this petitioner is concerned, the recovery/seizure is of 14.460 kg. of ‘ganja’, has remained in custody since 24.07.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Nawada in connection with Akbarpur P.S. Case No. 43 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for



next six months to mark attendance;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(v) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.”

Accordingly, the order dated 26.04.2023 is modified to the above extent.

(Rajiv Roy, J)

Jagdish/Neha/-

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