

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46028 of 2023**

**In
CRIMINAL MISCELLANEOUS No.9140 of 2022**

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

VIVEK KUMAR S/O NAGENDRA MANDAL Resident of village -
Sonbarsa, P.S. - Sonbarsa, Distt. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46032 of 2023
In
CRIMINAL MISCELLANEOUS No.10028 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

MANOJ KUMAR SAH S/O RAMLAL SAH R/O Village- Kishannagar,
Ward No. 06, P.S- Wardiwas, Distt.- Mahotari (Nepal).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46028 of 2023)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Sharda Kumari

(In CRIMINAL MISCELLANEOUS No. 46032 of 2023)

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 19-07-2023

Cr. Misc. No.46028/2023

(Arising out of Cr. Misc. No.9140/2022)

Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed for modification



of order dated 05.07.2022 passed by this court in Cr. Misc. No. 9140/2022, regarding criminal antecedent of the petitioner.

3. Learned counsel for the petitioner submits that petitioner was granted bail on certain conditions. He further submits that one of the conditions in order granting bail is that “the petitioners shall submit an affidavit disclosing that whatsoever stated in their respective bail petitions regarding criminal antecedent of the petitioners is true as stated in para 3 of the bail petition and if it is found untrue by the learned court below, the bail bond of the concerned petitioner shall not be accepted by the court below.” He further submits through supplementary affidavit that the petitioner has earlier no criminal antecedent prior to registration of this case but after his arrest in the present case on 10.12.2021, the petitioner has been remanded in seven more cases due to said reason the same was not mentioned in the earlier bail petition. He further submits that the petitioner has earlier no knowledge regarding involvement in seven cases at the time of filing this present bail petition as mentioned in para-8 of the modification petition. He further submits that the petitioner has undertaken that same type of mistake shall not be committed in future. In the aforesaid background, learned counsel for the petitioner prays that



condition no. (iv) of order granting bail dated 05.07.2022 vide Cr. Misc. no.9140/2022 may kindly be modified.

4. Learned APP for the State does not have any objection over the same.

5. Considering the aforesaid submission of learned counsel for the petitioner as well as facts and circumstances of the case, in order granting bail dated 05.07.2022 vide Cr. Misc. No. 9140/2022, in respect of criminal antecedent of the petitioner, it be read as “after arrest of the petitioner in the present case, he has been remanded in seven more cases.”

6. Accordingly, order dated 05.07.2022 passed in Cr. Misc. No.9140/2022 stands modified to the extent, stated above.

7. In the aforesaid manner, the modification petition stands disposed of.

8. Let this order be communicated to the concerned court forthwith.

Cr. Misc. No.46032/2023

(Arising out of Cr. Misc. No.10028/2022)

Heard learned counsel for the petitioner and learned APP for the State.

2. The present petition has been filed for modification of order dated 05.07.2022 passed by this court in Cr. Misc. No.



10028/2022, regarding criminal antecedent of the petitioner.

3. Learned counsel for the petitioner submits that petitioner was granted bail on certain conditions. He further submits that one of the conditions in order granting bail is that “the petitioners shall submit an affidavit disclosing that whatsoever stated in their respective bail petitions regarding criminal antecedent of the petitioners is true as stated in para 3 of the bail petition and if it is found untrue by the learned court below, the bail bond of the concerned petitioner shall not be accepted by the court below.” He further submits that the petitioner was apprehended in Sursand P.S. Case No. 522/2021 as mentioned in para-3 of earlier bail petition of petitioner. Thereafter, the petitioner has been remanded in six more cases as mentioned in para-1 of the modification petition and due to said reason the same fact was not mentioned in the earlier bail petition. He further submits that petitioner has earlier no knowledge regarding involvement in six cases at the time of filing the present bail petition as mentioned in para-1 of the modification petition and he has also undertaken that same type of mistake shall not be committed in future. In the aforesaid background, learned counsel for the petitioner prays that condition no. (iv) of order granting bail dated 05.07.2022 vide



Cr. Misc. no.10028/2022 may kindly be modified.

4. Learned APP for the State does not have any objection over the same.

5. Considering the aforesaid submission of learned counsel for the petitioner as well as facts and circumstances of the case, in order granting bail dated 05.07.2022 vide Cr. Misc. No. 10028/2022, in respect of criminal antecedent of the petitioner, it be read as “after arrest of the petitioner in the present case, he has been remanded in seven more cases.”

6. Accordingly, order dated 05.07.2022 passed in Cr. Misc. No. 10028/2022 stands modified to the extent, stated above.

7. In the aforesaid manner, the modification petition stands disposed of.

8. Let this order be communicated to the concerned court forthwith.

(Alok Kumar Pandey, J)

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