

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41766 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- KAMTAUL District- Darbhanga

PRAHLAD MAHTO Son of Mauje Mahto @ Mauje Lal Mahto Resident of
village - Birney, P.S.- Kamtaul, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-03-2023 Heard the parties.

The present petition has been preferred for quashing of the order dated 11.04.2022 passed by the Court of Judicial Magistrate, 1st Class, Darbhanga in Kamtaul P.S. Case No. 49 of 2021 by which the bail bond of the petitioner furnished in compliance to the order dated 05.04.2022 passed by this Hon'ble Court in Cr. Misc. No. 53039 of 2021 has been rejected.

It seems that the petitioner is an accused in connection with Kamtaul P.S. Case No. 49 of 2021 under sections 341, 324, 307,120 B and 34 of the Indian Penal Code.

The petitioner had preferred Cr. Misc. No. 53039 of 2021 which was allowed by a co-ordinate Bench of this Court on 05.04.2022 with the conditions which included that his criminal antecedent be checked and if it is found that he has



concealed the same, the bail bond shall be cancelled.

Accordingly, the petitioner moved before the concerned Court. However, he failed to get the release order as upon enquiry, it came to the notice of the concerned Court that beside the present case, he is also an accused in Benipatti P.S. Case No. 67 of 2021 on 11.03.2022.

Learned counsel for the petitioner submits that he had incorporated paragraph 3 of the bail application about the second case i.e. Benipatti P.S. Case No. 67 of 2021.

However, on going through the petition, no such bail application is on record.

The petitioner was granted bail by a co-ordinate Bench of this Court on 05.04.2022 and if thereafter he failed to get the release order, the only recourse was to approach the same Court bringing these facts to his attention so that an appropriate order could be passed by the Hon'ble Judge.

It is not a fit case to grant any relief to the petitioner which is hereby rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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