

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46818 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- KOTWALI District- Patna

Abhay Kumar @ Ajay Kumar Chaupaliya @ Ajay Kumar Chhapolia Son Of
Late Shyama Prasad Chhaupaliya @ Shyam Prasad Chhapoliya Resident Of
Village- Purani Bazar Near Ram Janki Chowk Ramnagar, Ps- Ramnagar,
Dist- West Chamaparan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kotwali
P.S. Case No. 192 of 2022 registered for the offence under Sections
420, 469, 468, 471/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 20.04.2023.

4. The present F.I.R. lodged against petitioner on the
direction of this Court, which was directed through Cr. Misc. No.
46376 of 2021 vide order dated 11.04.2022 as to concealed his
criminal antecedent showing his status as a man of “clean
antecedent” through paragraph no. 3 of said bail petition, but in
actual he found involved in three more criminal cases.



5. Learned counsel appearing on behalf of the petitioner submitted that the affidavit in Cr. Misc. No. 46376 of 2021 was furnished on behalf of the wife of this petitioner, who is a rustic villager and due to lack of knowledge she failed to furnish true status of criminal antecedents of petitioner. It is further pointed out that the aforesaid bail petition was disposed on 11.04.2022, where none appeared on behalf of the petitioner and, as such, there was no occasion to tender proper explanations in this regard. It is further pointed out that the deponent of said bail petition, namely, Anjali Chhapoliya has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 26160 of 2023 vide order dated 13.07.2023. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases, where he on bail in four cases and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as on the date of order i.e., on 11.04.2022 none appeared on behalf of the petitioner to tender his explanation regarding criminal antecedents, suggesting, *prima facie*, that said order passed without representation of this petitioner, where deponent of said bail petition has already been granted anticipatory



bail by one of the learned Co-ordinate Bench of this Court coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.04.2023 accordingly, above named petitioner is directed to be released on bail in connection with Kotwali P.S. Case No. 192 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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