

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59413 of 2023

In
CRIMINAL MISCELLANEOUS No 34462 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SULTANGANJ District- Bhagalpur

AKHILESH KUMAR Son of Sri Santosh Sah @ Santosh Kumar Sah R/o vill
- Abjuganj, P.S. - Sultanganj, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vivekanand Vivek, Advocate

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

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023 Heard Mr Vivekanand Vivek, learned counsel for the
petitioner and Mr Shailendra Kumar, learned APP.

2 The bail application of the petitioner was allowed
vide Cr Misc No 34462 of 2023 on 24.06.2023. While allowing
the bail application, it was observed that if it is found that the
petitioner has criminal antecedent, the bail order shall become
infructuous.

3 Now, this application has been preferred stating that
the petitioner was involved in Sultanganj PS Case No 504 of
2022 under Section 37 of Bihar Excise and Prohibition Act but
since he had deposited the fine, he was released. The same was
not incorporated in the bail application.



4 Mr Shailendra Kumar, learned APP submits that in view of the fact that the petitioner has suppressed the criminal antecedent, it would be appropriate that the petitioner files fresh petition as no relief can be granted and the order itself was that in case it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

5 Taking into account the submission put forward by the parties, this bail application stands rejected.

6 The petitioner has the liberty to file a fresh petition.

(Rajiv Roy, J)

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