

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58271 of 2022**

Arising Out of PS. Case No.-317 Year-2020 Thana- MADHEPURA District- Madhepura

1. Pawan Yadav @ Pawan Kumar S/O Rawen Yadav R/V- Mohalla Gandhinagar, P.S. and Distt. - Madhepura.
2. Sharvan Yadav @ Shrawan Kumar S/O Rawen Yadav R/v- Mohalla Gandhinagar, P.S. and Distt - Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                            |   |                                                                   |
|----------------------------|---|-------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr.Vikram Deo Singh, Advocate<br>Mr.Dinesh Prasad Verma, Advocate |
| For the Opposite Party/s : |   | Dr. Ajeet Kumar, APP                                              |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      28-06-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners have filed this application for grant of regular bail in connection with Session Trial No. 82/2021 arising out of Madhepura (Bharrahi) P.S. Case No. 317 of 2020 registered for the offence under Sections 302/120B of the Indian Penal code and 27 of the Arms Act. Petitioners have got one criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioners submits that these petitioners had earlier moved for regular bail in Cr. Misc. No. 8846/2021 and after hearing learned counsel for the petitioners and learned counsel for the State, this Court has been pleased to grant privilege of regular bail to the petitioners vide order dated



03.05.2021 subject to the conditions under Section 437(3) Cr.P.C. and further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

Learned counsel submits that later on it is revealed that the petitioners were having one criminal antecedent being Madhepura (Bharrahi) P.S. Case No. 548/2016 registered under Section 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code. It is stated that the pairvikar of the petitioners was not aware of the said case, therefore, in paragraph '3' of the petition the same could not be disclosed. It is stated that on 13.09.2021 the bail bond of the petitioners was cancelled and petitioners are in custody since 26.08.2022.

Learned counsel submits that the petitioners have already spent about ten months thereafter.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioners but considering the entire facts and circumstances of the case, the reasons provided in the order dated 31.08.2021 passed by this Court and considering that the petitioners were allowed bail but then they have been taken into



custody because they had criminal antecedent which was not disclosed in the petition, at this stage, this Court directs release of the petitioners on bail on the same terms and conditions as contained in the order dated 31.08.2021 passed in Cr. Misc. No. 23392/2021.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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