

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66100 of 2023

In
CRIMINAL MISCELLANEOUS No.54222 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- RANIGANJ District- Araria

NAVIN KUMAR JHA S/O- LATE KAMALAKANT JHA Village- Parihari
Ps- Raniganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Soni Srivastava, Adv.

Mr.Saroj Kumar, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-10-2023 Heard learned counsel for the parties.

2. This application has been filed for modification of the order dated 31.08.2023, passed in Cr. Misc. No.54222 of 2023 to the extent of expunging the observation given at the last paragraph of the order.

3. It is submitted that in the said order, at last paragraph, after grant of anticipatory bail, a direction was given to the learned Court below to verify the criminal antecedent of the petitioner before accepting his bail bonds and it was directed that if any criminal antecedent was found, the bail bond of the petitioner shall not be accepted. Learned counsel for the petitioner submits that due to inadvertence, at para-3 of the main



bail petition, the criminal antecedent of the petitioner was wrongly typed as petitioner has no criminal antecedent but after grant of anticipatory bail, the petitioner came to know that by some misunderstanding, it was mentioned in the bail petition that he has no criminal antecedent. The said statement at para-3 was not intentional, the petitioner has two criminal antecedent. Thereafter, an affidavit for modification application was immediately filed on 01.09.2023 i.e. after one day only. There is no case that the criminal antecedent of the petitioner came to light at the filing of the bail bonds but it was brought to notice by the petitioner himself. As such, the observation given at last paragraph of the order dated 31.08.2023 may be expunged.

4. Having regard to the facts and circumstance of the case and the bona fide intention of the petitioner that he filed for modification after one day only, I am inclined to expunge the direction given to the Court below at the last paragraph of the order dated 31.08.2023, passed in Cr. Misc. No.54222 of 2023 regarding the criminal antecedent. It is an admitted fact that the petitioner has three criminal antecedent.

5. Learned Court below is directed to accept the bail bond of the petitioner in view of the order dated 31.08.2023, passed in Cr. Misc. No.54222 of 2023 without any verification of the



criminal antecedent of the petitioner.

6. Further, learned counsel for the petitioner submits that he has filed a fresh vakalatnama, in which he has mentioned the correct address of the petitioner, which was wrongly mentioned in the order dated 31.08.2023, passed in Cr. Misc. No.54222 of 2023 as resident of village-Parihari, P.S. Araria, District-Araria in place of “resident of village-Parihari, P.S. Raniganj, District-Araria”. As such, the same may be corrected.

7. Accordingly, the address of the petitioner in the order dated 31.08.2023, passed in Cr. Misc. No.54222 of 2023 at the cause-title portion be read as “resident of village-Parihari, P.S. Raniganj, District-Araria”.

8. The order dated 31.08.2023, passed in Cr. Misc. No.54222 of 2023 is modified to the extent indicated above.

9. The modification application is allowed and disposed of.

(Anjani Kumar Sharan, J)

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