

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6760 of 2023

In
CRIMINAL MISCELLANEOUS No.9188 of 2022

Arising Out of PS. Case No.-684 Year-2021 Thana- KANTI District- Muzaffarpur

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1. RAKESH KUMAR Son of Shri Dinesh Sah @ Dinesh Kumar Sah R/V- Kalbari, P.S- Kanti, Dist- Muzaffarpur
 2. Rajesh Kumar Son of Shri Dinesh Sah @ Dinesh Kumar Sah R/V- Kalbari, P.S- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-02-2023 Mrs. Vaishnavi Singh, learned counsel appearing for the appellants and Mr. Shailendra Kumar, learned APP appearing for the State are present and they are heard.

The instant application has been filed for modification of the order dated 06.07.2022 passed in Cr. Misc. No. 9188 of 2022 by which the petitioners were allowed the privilege of bail in connection with Kanti P.S. Case No.684 of 2021 and according to this application the bail bond of petitioner No.2 has not been accepted in view of the condition No.4 laid down in the said order. It has been submitted by learned counsel for the petitioners that the petitioners



were granted bail in connection with Kanti P.S. Case No.684 of 2021 and at the time of filing of their bail application before this Court in connection with the said criminal case they had no criminal antecedent and were having clean antecedent and after filing of the Cr. Misc. Petition 9188 of 2022 the petitioner No.2 namely Rajesh Kumar was remanded and produced in an another case which was lodged against unknown persons and the petitioner No.2 is aged about 66 years old and did not conceal any of his past criminal history hence in the light of these facts the petitioner No.2 should be treated as having no criminal antecedent on the date when his bail application concerned to Cr. Misc. No.9188 of 2022 was filed but, despite of this fact the bail bond of petitioner No.2 is not being accepted by the trial Court treating him having criminal antecedent.

Learned APP has no objection to the above-mentioned prayer for modification made by petitioner No.2.

Having considered the above submissions it is directed that the Kanti P.S. Case No.611 of 2021 in which the petitioner No.2 was remanded after the filing of the Cr. Misc. Petition No.9188 of 2022 will not be treated as his



criminal antecedent by the trial Court while accepting his bail bond.

Accordingly, the instant modification petition stands disposed of.

(Shailendra Singh, J)

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