

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72349 of 2023

Arising Out of PS. Case No.-68 Year-2021 Thana- SINDHIYA District- Samastipur

KAMLESH SAHU @ KAMLESH SAH SON OF LATE SHIV SHANKAR
SAHU R/O VILLAGE- AAKOPUR, P.S.- SINGHIYA, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

2. The present petition has been filed for
grant of regular bail in connection with Singhiya P.S.
Case No. 68 of 2021 (S.T. No. 195 of 2023),
registered for the offences punishable under
Sections 147, 148, 307, 323, 337, 341, 354, 379
and 504 of the Indian Penal Code.

3. The Ld. Counsel for the petitioner has
submitted that though the petitioner was granted
the privilege of regular bail by an order dated
21.06.2023 passed in Criminal Miscellaneous No.
30765 of 2023, however, he was not admitted to
the privilege of bail in view of the fact that since



this Court had directed the learned Trial Court to verify the criminal antecedent of the petitioner, the Ld. Trial Court had verified the same and it was found that the petitioner is an accused in three other cases, hence the bail bonds of the petitioner was not accepted, nonetheless, he had then filed a modification petition bearing Criminal Miscellaneous No. 55368 of 2023, which was disposed off by this Court by an order dated 01.09.2023, granting liberty to the petitioner to file a fresh bail petition. Thereafter, the petitioner had filed a fresh bail petition before the learned Trial Court, however, the learned Court of Additional District & Sessions Judge-I, Rosera, District-Samastipur, by an order dated 18.09.2023, has been pleased to reject the prayer of the petitioner for grant of bail. It is thus submitted that on account of inadvertence of the pairvikar of the petitioner, the factum regarding the petitioner having criminal antecedent could not be mentioned, for which the petitioner has already been suitably punished on account of his prolonged incarceration, hence a sympathetic view be taken



and the petitioner be granted bail.

4. This Court finds from a bare perusal of the order dated 21.06.2023 passed by this Court earlier that the learned counsel appearing for the informant had not denied the fact that at that moment of time, the injured person was in a good condition as also hale and hearty, hence this Court had granted bail to the petitioner, however, subject to verification of his criminal antecedent by the learned Trial Court, which turned out to be otherwise. Nonetheless, this Court finds that the petitioner has now disclosed in paragraph no. 3 of the present petition that though he is an accused in three other criminal cases but he has been acquitted in two out of them and as far as the third one is concerned, i.e. the one bearing Singhiya P.S. Case No. 179 of 2021, he is on bail. Thus though the petitioner had, in his earlier bail petition, failed to disclose about his criminal antecedents but now he has disclosed the same and for his said omission, the petitioner has already stood sufficiently punished, inasmuch as he is languishing in custody since 26.07.2022.



5. *Per contra*, the learned APP for the State has not denied the aforesaid aspect of the matter.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that this Court had earlier granted the privilege of bail to the petitioner vide order dated 21.06.2023, however, he could not be released on bail inasmuch as upon verification of the criminal antecedent of the petitioner, it transpired that he had not disclosed in the bail petition, filed by him earlier before this Court that he is an accused in other criminal cases, nonetheless, for the said laches on the part of the petitioner, he has already stood sufficiently punished by way of prolonged incarceration, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

7. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Session Judge-1st, Rosera, Samastipur, in connection with Singhiya P.S. Case No. 68 of 2021 (S.T. No. 195 of 2023).

(Mohit Kumar Shah, J)

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