

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73129 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- GURUA District- Gaya

SUNIL KUMAR SON OF UMESH YADAV Resident of village- Sri Ram
Bigha, P.S.- Gurua, District- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Gurua P.S. Case No. 97 of 2022
registered for the offences punishable under Sections 177/ 420
of the Indian Penal Code. Petitioner has got one criminal
antecedent in which he is on bail.

As per the prosecution story, the allegation against the
petitioner is that he has obtained the contract of the state
government from the character certificate issued bearing Memo
No. 7067 dated 11.02.2021. However, it was later found that the
petitioner has concealed the fact that he is accused in a criminal
case bearing Sherghati P.S. Case No. 132/2020 and the said
character certificate was given mentioning therein that he is not
accused in any case.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel submits that with regard to pendency of one case against the petitioner, the information was uploaded by him with the tender document, however, in the character certificate it could not be mentioned because the affidavit was in a printed format. It is submitted that the same was shown inadvertently without mentioning the fact as to one case but the bonafide of the petitioner writes large from the fact that he had submitted the same with tender document.

Mr. Narendra Kumar Singh, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions that with regard to pendency of one case against the petitioner, the information was uploaded by him with the tender document, however, in the character certificate it could not be mentioned because the affidavit was in a printed format and the same was shown inadvertently without mentioning the fact as to one case but the bonafide of the petitioner writes large from the fact that he had submitted the same with tender document, in the circumstances, this Court directs release of the petitioner above-named on bail in the event



of his arrest or surrender within a period of four weeks from today in connection with Gurua P.S. Case No. 97 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge- III, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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