

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28495 of 2023

In
CRIMINAL MISCELLANEOUS No.10127 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

JANAK LAL MAHTO SON OF YOGI MAHTO R/O Village- Mithila
Nagarpalika, Ward No. 3, P.S- Dhalkewar, Distt.- Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The present petition has been filed for modification of order dated 05.07.2022 passed in Cr. Misc. No. 10127 of 2022 regarding criminal antecedent of petitioner.

Learned counsel for the petitioner submits that petitioner was granted bail by this Court on 05.07.2022 vide Cr. Misc. No. 10127 of 2022 on certain conditions. He further submits that one of the conditions in order granting bail is that “the petitioners shall submit an affidavit disclosing that whatsoever stated in their respective bail petitions regarding criminal antecedent of the petitioners is true as stated in para 3 of the bail petition and if it is found untrue by the learned court



below, the bail bond of concerned petitioner shall not be accepted by the court below”. He further submits that after arrest of the petitioner in the present case i.e. Sursand P.S. Case No. 561 of 2021, the petitioner was remanded in Sursand P.S. Case No. 522 of 2021 as mentioned in para-3 of earlier bail petition of petitioner i.e. 10127 of 2022. He further submits that petitioner has been remanded in six more cases as mentioned in para-8 of this modification petition after filing of earlier bail petition i.e. Cr. Misc. No. 10127 of 2022 and due to said reason the same was not mentioned in the earlier bail petition. He further submits that pairvikar of the petitioner has never concealed the criminal antecedent of the petitioner knowingly and intentionally at the time of filing of earlier bail petition rather same has been occurred due to lack of knowledge regarding remand of the petitioner in other cases after his arrest in the present case and he has also undertaken that same type of mistake shall not be committed in future. In the aforesaid background, learned counsel for the petitioner prays that order granting bail dated 05.07.2022 vide Cr. Misc. No. 10127 of 2022 may kindly be modified regarding criminal antecedent of petitioner in the light of aforesaid facts and circumstances of the present case.



Learned APP for the State does not have any objection over the same.

Considering the aforesaid submission of learned counsel for the petitioner as well as facts and circumstances of the case, in order granting bail dated 05.07.2022 vide Cr. Misc. No. 10127 of 2022, in respect of criminal antecedent of petitioner, it be read as “after arrest of the petitioner in the present case, he has been remanded in seven more cases”.

Accordingly, order dated 05.07.2022 passed in Cr. Misc. No. 10127 of 2022 stands modified to the extent, stated above.

In the aforesaid manner, the present modification petition stands disposed of.

Let this order be communicated to the concerned court forthwith.

(Alok Kumar Pandey, J)

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