

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1834 of 2023

Arising Out of PS. Case No.-243 Year-2021 Thana- BARAUNI District- Begusarai

Saurav Kumar, Son of Mukesh Singh, R/V- Bihat Ward no.2, P.S- Barauni
Dist- Begusarai

... .. 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. Satyendra Narayan Singh, APP
For the Informant :	Mr. Shubhesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2023 Heard Mrs. Vaishnavi Singh, learned counsel for the petitioner, Mr. Shubhesh Pandey, learned counsel for the informant and Mr. Satyendra Narayan Singh, learned APP for the State.

2. In terms of the order dated 11.01.2023, a counter affidavit has been filed on behalf of the informant. A supplementary affidavit has also been filed on behalf of the petitioner tendering apology for giving wrong/incorrect information with regard to criminal antecedent of the petitioner.

3. It is submitted by the learned counsel for the petitioner that earlier the prayer for bail of the petitioner was made in Cr. Misc. No. 5672 of 2022 and this Court having considered the omnibus allegation and the materials available on record has been pleased to allow the privilege of bail to the



petitioner vide order dated 04.07.2022, as contained in Annexure-1 to this bail application. While granting bail to the petitioner certain conditions have been imposed, inter alia, “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 immediate step for cancelling the bail bond of the petitioner.”

4. A petition has been filed before the jurisdictional court on behalf of the informant for cancellation of the bail of the petitioner stating therein that the petitioner has concealed his criminal antecedent with regard to other cases, inasmuch as, he is also found involved in two other cases, apart from the cases mentioned in paragraph no.3 of the bail application, bearing Cr. Misc. No. 5672 of 2022. Considering the aforesaid fact, the learned jurisdictional court passed the order for cancellation of bail of the petitioner.

5. It is further submitted that the deponent, who happens to be the father of the petitioner, had filed a petition before the court below explaining the circumstances that on account of miscommunication and mistake, the entire facts regarding the criminal antecedent of the petitioner could not be mentioned and he had fairly submitted before the court below



that after proper enquiry he came to know that apart from six cases, as has been mentioned in paragraph no.3 of Cr. Misc. No. 5672 of 2022, the petitioner is also found involved in four other cases, the details of which has also been given in para. 3 of the present petition.

6. On the other hand, Mr. Shubhesh Pandey, learned counsel for the informant, vehemently opposes the present application and submits that in fact the concealment of antecedent was intentional, as the petitioner's father was also accused in Barauni P.S. Case No. 216 of 2019, which has not been mentioned at the time of filing of the earlier bail application, apart from the other criminal cases, which offence(s) is/are more or less similar to the offence of the present case, in which the petitioner is seeking bail. He also submits that the witnesses are facing threats at the hands of the accused persons of this case and because of one reason or others, they are not allowing to frame charges.

7. In response to the aforesaid submission, learned counsel for the petitioner submits that had the deponent is conscious of the fact, he would have certainly mentioned the antecedent of the petitioner, as there was no reason or occasion to suppress the antecedent, which will further complicate the



issue and, in fact, having knowing this fact he filed a petition before the court below that the petitioner is found involved in four other cases. She further submits that the petitioner is in custody since 16.08.2021 and despite bail being granted by this Court, he has not been released on account of pendency of other criminal cases. Further unqualified apology has been sought for on behalf of the petitioner and deponent.

8. Regard being had to the submissions made on behalf of the parties, prima facie, this Court finds that the deponent while discharging his duty, at the time of swearing affidavit has failed to mention the antecedent of the petitioner, which, in any view of the matter cannot be ignored. However, in view of the fact that the petitioner already remained in custody for about five months even after bail was granted, this Court is allowing the prayer for bail of the petitioner with all the conditions mentioned in Cr. Misc. No. 5672 of 2022, subject to cost of Rs.20,000/-, which would be deposited by the petitioner within two weeks' from today in the Patna High Court Legal Services Committee. It is also directed that on release from custody, the petitioner will mark his attendance before the office of Superintendent of Police, Begusarai in the first week of every month, at least for a period of nine months and in case of any



defiance, this fact would be communicated to concerned court by the office of the Superintendent of Police, Begusarai.

9. Accordingly, the present bail application stands allowed with the aforesaid observations and directions.

10. The copy of the present order would also be communicated to the Superintendent of Police, Begusarai.

(Harish Kumar, J)

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