

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10691 of 2024

Arising Out of PS. Case No.-453 Year-2022 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Gopal Prasad @ Gopal Koiry Son of Late Bhola Mahto Resident of Village- Nailly PS- Magadh Medical, Dist- Gaya
 2. Mahesh Prasad @ Mahesh Koiry Son of Late Bhola Mahto Resident of Village- Nailly PS- Magadh Medical, Dist- Gaya
 3. Umesh Prasad @ Umesh Koiry Son of Late Bhola Mahto Resident of Village- Nailly PS- Magadh Medical, Dist- Gaya
 4. Ramesh Prasad @ Bablu Koiry @ Buloo Koiry Son of Late Bhola Mahto Resident of Village- Nailly PS- Magadh Medical, Dist- Gaya
 5. Raju Kumar @ Raju Koiry @ Raju Prasad Koiry Son of Mahesh Koiry Resident of Village- Nailly PS- Magadh Medical, Dist- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present application has been filed in view of the liberty granted to the petitioners for filing fresh application for anticipatory bail giving complete criminal antecedent of the petitioners in Cr. Misc. No. 59056 of 2023.

3. Learned counsel for the petitioners submits that earlier in Cr. Misc. No. 28308 of 2023, this Court had been pleased to grant privilege of anticipatory bail to the petitioners but with stipulation that “The court below shall verify the



criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. 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.”

4. Learned counsel submits that in the earlier anticipatory bail application, a statement was made in paragraph ‘3’ that the prisoners have no criminal antecedent. The fact was that the petitioner nos. 1 to 4 had one criminal antecedent each and they were facing trial in G.R. No. 7552 of 2018 arising out of Magadh Medical College P.S. Case No. 277 of 2018 for the offences alleged under Sections 323, 341, 379, 504, 506 and 34 of the Indian Penal Code. So far as petitioner no. 5 is concerned, he has got no criminal antecedent.

5. Learned counsel submits that because of a mistake on his part in not correctly stating the criminal antecedent of the petitioners, despite the order of this Court granting anticipatory bail to the petitioners, the petitioners could not surrender and submit their bail bonds, hence the present application has been filed.

6. It is further submitted that during the intervening period, the learned trial court has acquitted petitioner nos. 1 to 4



in G.R. No. 7552 of 2018 vide judgment dated 02.05.2024.

7. Learned APP for the State submits that the earlier this Court had granted privilege of pre-arrest bail to the petitioners, therefore he would not have any objection if they are allowed to surrender and submit their bail bond in terms of the order dated 07.07.2023 passed in Cr. Misc. No. 28308 of 2023.

8. Since the petitioners have now disclosed their complete criminal antecedent and it is stated that petitioner nos. 1 to 4 had one criminal antecedent at the relevant time, in the said case they have been acquitted and there is no criminal antecedent of PW-5, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with M.M.C.H. (Magadh Medical) P.S. Case No. 453 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of concerned learned Judicial Magistrate, First Class, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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