

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28680 of 2024

Arising Out of PS. Case No.-419 Year-2022 Thana- JOGAPATTI District- West Champaran

Sakhad Ansari @ Safhad Miyan @ Jhitu, Son Of Mojabil Miyan, Resident of
vill -Dhabelwa P.S. -Jogapatti Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Choudhary, Advocate
		Mr. Kulanand Jha, Advocate
		Ms. Priyanka Kumari, Advocate
		Mr. Rakesh Tiwari, Advocate
For the Opposite Party/s :		Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has moved this Court afresh seeking pre-arrest bail in connection with Jogapatti P.S. Case No. 419 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 325, 504, 506/34 of the Indian Penal Code. The petitioner has got two criminal antecedents.

3. Learned counsel for the petitioner submits that earlier this petitioner was petitioner no. 4 in Cr. Misc. No. 71961 of 2022. In the petition filed before this Court, he had declared his criminal antecedents as of one case only but the fact was that the petitioner was accused in two cases.

4. Learned counsel submits that in the said criminal

miscellaneous application, the petitioner was granted privilege of pre-arrest bail, he surrendered in the court below, filled up the bail bond and was released by the court but later on, it was found that the petitioner had got two criminal antecedents and he had concealed the same.

5. Learned counsel submits that one of the conditions imposed by this Court in its order dated 16.05.2023 in Cr. Misc. No. 71961 of 2022 was as under:-

“And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 1, 3 and 4 and in case at any stage it is found that the petitioner nos. 1, 3 and 4 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1, 3 and 4. 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.”

6. It is submitted that in such circumstance, the petitioner has moved again to this Court for grant of pre-arrest bail as his bail bond has been cancelled by the learned court below.

7. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner having surrendered in the court below and filled up the bail bond, took benefit of the order dated 16.05.2023. At this

stage, when the bail bond has been cancelled by the learned court below, he again maintained a second anticipatory bail application. It is submitted that had the petitioner not filled up the bail bond and surrendered in the court below, the matter would have been otherwise.

8. Having regard to the submissions noted hereinabove, this Court agrees with the submissions of learned APP for the State. In this case, the petitioner has already surrendered in the court below and filled up the bail bond. He is bound by the terms of the bail bond. If the learned court below found that the petitioner had concealed his criminal antecedent and in terms of the order of this Court, the consequences of that concealment would be cancellation of his bail bond, the learned court below is fully justified in cancelling the bail bond of the petitioner. In such circumstance, a second anticipatory bail application cannot be maintained.

9. At this stage, learned counsel for the petitioner submits that the mistake was inadvertent and because the petitioner has been given the benefit of anticipatory bail after considering the merit of the case, the court below may, in case of surrender of the petitioner, consider his prayer for restoration of the bail bond on the same day.

10. Having regard to the entire facts and circumstances of the case, this Court would observe that if the petitioner surrenders in the court below within a period of four weeks from today and prays for restoration of his bail bond, the same shall be considered by the court below on the same day keeping in view the *bona fides* which the petitioner will have to demonstrate.

11. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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