

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49081 of 2024

In
CRIMINAL MISCELLANEOUS No.23616 of 2024

Arising Out of PS. Case No.-1268 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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GAUTAM KUMAR SAH @ GAUTAM KUMAR S/O BIJALI SAH Resident
of Village- Chainpur Phetehpur, P.S. Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. Learned counsel for the petitioner submits that the
petitioner was granted the privilege of anticipatory bail by order
dated 10-4-2024 in Cr. Misc No. 23616 of 2024 and was
directed to surrender within a period of six weeks from the date
of order dated 10-4-2024. It is next submitted that that learned
trial court was directed to verify the criminal antecedent of the
petitioner before accepting his bail bonds and if it is found that
petitioner has antecedent of more than two cases in that event
the anticipatory bail order shall not be given effect to.

3. It is next submitted that petitioner in Cr. Misc No.



23616 of 2024 at para 3 had pleaded that petitioner has antecedent of two cases, i.e. Kanti P.S. Case No. 542 of 2022 and Kanti P.S. Case No. 60 of 2023. It is next submitted that petitioner is not an accused in Kanti P.S. Case No. 60 of 2023, rather is an accused in Kanti P.S. Case No. 260 of 2023 but inadvertently instead of Kanti P.S Case No. 260 of 2023 at para-3(ii) of the Cr. Misc No. 23616 of 2024, it was pleaded as Kanti P.S. Case No. 60 of 2023.

4. It is further submitted that petitioner in compliance of the order dated 10-4-2024 surrendered on 7-5-2024, i.e., within time and thereafter a report was called for when the aforesaid fact came to the notice. It is thus submitted that petitioner had not concealed his criminal antecedent rather inadvertently at para-3(ii) of the Cr. Misc No. 23616 of 2024 had pleaded wrong P.S Case No., but then had surrendered within time seeking anticipatory bail in compliance of the order dated 10-4-2024 in Cr. Misc No. 23616 of 2024.

5. It is next submitted that on account of said inadvertence, the petitioner could not be enlarged on anticipatory bail as such the instant modification application has been filed seeking modification of para-3 (ii) of Cr. Misc No. 23616 of 2024 and also to extend the time of surrender.



6. In view of the submission made by the learned counsel appearing on behalf of the petitioner, para-3(ii) in Cr. Misc No. 23616 of 2024 is modified to be read as Kanti P.S. Case No. 260 of 2023 instead of Kanti P.S. Case No. 60 of 2023.

7. In the event, if the petitioner surrenders on or before 19-7-2024, his anticipatory bail bonds shall be accepted on the same terms and conditions, if he has antecedent of two cases only then.

(Satyavrat Verma, J)

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