

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47885 of 2023

In
CRIMINAL MISCELLANEOUS No.21701 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- SONBERSA District- Sitamarhi

Pintu Rai @ Pintu Kumar Son Of Ram Swaroop Rai @ Ramswarup Ray,
Resident Of Village - Dalkawa, P.S. - Sonbarsa, District - Sitamarhi
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Puspendra Kr. Singh, Advocate Ms. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

7 09-02-2024 Heard the learned counsel for the petitioner.

2. This application has been filed for modification of the order dated 19.05.2023 passed by this Court in Criminal Miscellaneous No. 21701 of 2023.

3. By order dated 19.05.2023, the petitioner was granted regular bail with a direction to the lower court to verify the criminal antecedents of the petitioner before releasing him on bail in view of the averments made in paragraph no. 3 of the Criminal Miscellaneous No. 21701 of 2023 that the petitioner has no criminal antecedents. At the time of furnishing bail bond before the lower court, it was revealed that the petitioner has three criminal cases pending against him.



4. Learned counsel for the petitioner submits the deponent is the father of the petitioner who had no knowledge about the three criminal cases against the petitioner. A supplementary affidavit has also been filed on behalf of the petitioner stating therein that neither the deponent was bailor in any case nor he sworn any affidavit in the aforesaid three cases. In one case out of those cases, the petitioner was granted bail by order dated 14.03.2014 passed in Criminal Miscellaneous no. 36287 of 2013 by this Hon'ble High Court, whereas in other two cases, he has been granted bail by the lower court. Learned counsel for the petitioner further submits that deponent being the father of the petitioner was not the bailor of the petitioner, rather one Umakant Ray and Virendra Ray were the bailors. Learned counsel for the petitioners submits that the said inadvertence occurred due to lack of knowledge of the criminal antecedents of the petitioner.

5. Considering the aforesaid facts and circumstances and averments made in the modification application as well as in supplementary application, this modification application is allowed.

6. Accordingly, the fourth paragraph of the order dated 19.05.2023 passed in Criminal Miscellaneous No.21701



of 2023 is modified to the extent that the petitioner has three criminal cases pending against him.

7. In such view of the matter, let the petitioner be released on bail in terms of the order dated 19.05.2023 passed in Criminal Miscellaneous No.21701 of 2023.

8. The order may be communicated to learned Judicial Magistrate 1st Class, Sitamarhi, where Sonbarsa P.S. Case No. 390 of 2022 is pending.

(Khatim Reza, J)

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