

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 541 of 2024**

Arising Out of PS. Case No.-488 Year-2022 Thana- ARA NAGAR District- Bhojpur

Sangam Prasoon Jain Son Of Late Prasoon Chandra Jain Resident Of Mohalla
- Jail Road (ARA), P.S. - Ara Town, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rachana Jain Wife Of Late Salil Prasoon Jain Resident Of Mohalla - Jail Road (Ara), P.S. - Ara Town, District - Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 02-09-2024

Heard.

2 This revision petition has been preferred by the petitioner being aggrieved with the order dated 14.06.2024 passed by the learned Additional Sessions Judge VIII, Bhojpur at Ara in S T No 425 of 2023 whereby and whereunder the learned Additional Sessions Judge cancelled the bail bond submitted by the petitioner as per the order dated 19.06.2023 passed by this Court in Cr Misc No 72221 of 2022.

3 The facts of the case are that initially petitioner has been arrested in connection with Ara Nagar PS Case No 488 of 2022 for the offence punishable under Sections 302, 120B/34 of



the IPC and Section 27 of the Arms Act. An application for grant of regular bail under Section 439 of the Cr P C has been filed by the petitioner before this Court which has been allowed by a coordinate Bench of this Court in Cr Misc No 72221 of 2022 vide its order dated 19.06.2023. At the time of deciding the said bail petition, the learned counsel for the informant as well as the learned APP for the State opposed the prayer for bail and it was submitted by them that petitioner carries two more antecedents other than the present case. After granting of bail to the petitioner, an application for cancellation of the said bail has been filed by the learned APP before the Sessions Court which has been allowed by the Sessions Court on the ground that at the time of deciding the bail application by this Court, the petitioner concealed the fact that one more antecedent was available against him, i e, Ara Town PS Case No 328 of 2023, cancelled the bail bond submitted by the petitioner. Hence, this revision petition.

4 Learned counsel for the petitioner would submit that at the time of granting bail by this Court, petitioner was in jail and he was not aware of the fact that a further case, i e, Ara Town PS Case No 328 of 2023 has also been registered against him. Since this fact was not known to the petitioner, therefore, he did not conceal any fact before this Court. He further submits that since the



petitioner has been granted the benefit of bail by this Court vide its order dated 19.06.2023, therefore, the competent Court for cancelling the said bail ought to be the High Court. Therefore, on this ground also, the impugned order is liable to be set aside.

5 Perused the impugned order and also perused the order dated 19.06.2023 passed by this Court in Cr Misc No 72221 of 2022 (Annexure 2). While deciding the bail application of the petitioner, this Court imposed some conditions upon the petitioner and direction was also issued to the learned Court below which reads as under :

“And, further condition that 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 step for cancellation of bail bond of the petitioner. 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 Perusal of the order dated 19.06.2023 further shows that two previous antecedents have been informed by the learned APP for the State as well as learned counsel for the informant. The said fact was not informed by the learned counsel for the petitioner. Thus, no question arises that the petitioner has concealed any fact regarding third antecedent against him before this Court. Further, as contended by the learned counsel for the



petitioner that at the time of granting of bail vide order dated 19.06.2023, the petitioner was in jail and during that period, Ara Town PS Case No 328 of 2023 was registered against him and this fact was not known to the petitioner. The above submission made by the learned counsel for the petitioner is not controverted by the learned APP. Thus, it is also clear that at the time of registering the third criminal case, i e, Ara Town PS Case No 328 of 2023, the petitioner or his counsel was not aware about this fact.

7 In the light of the above discussion, this Court finds that the impugned order dated 14.06.2024 passed by the learned Sessions Court is liable to be set aside.

8 Accordingly, this revision petition is allowed and the impugned order dated 14.06.2024 is set aside.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2024
Transmission Date	06.09.2024

