

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61986 of 2023

Arising Out of PS. Case No.-522 Year-2022 Thana- PARBATTa District- Khagaria

SHIKARI KUMAR son of Jodhan Yadav Village- Saraiya Ps- Sahebpur
Kamal Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-01-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashing
of the order dated 27-6-2023 passed by the learned SDJM,
Khagaria in Parbatta P.S. Case No. 522 of 2022, whereby bail
bonds of the petitioner has been cancelled and non-bailable
warrant of arrest has been issued.

3. The learned counsel for the petitioner next submits
that the petitioner came to be implicated in Parbatta P.S. Case
No. 522 of 2022 and thereafter he was taken into custody.
Accordingly, he filed Cr. Misc No. 12719 of 2023 before this
court seeking regular bail. It is next submitted that petitioner in
Cr. Misc No. 12719 of 2023 at para 3 had clearly stated that :—



"That the petitioner has no criminal antecedent, except S. kamal 229 of 2021 under Sections 341, 323, 379, 506 and 34 of the IPC, in which he is on bail".

4. The learned counsel thus submits that petitioner had not concealed his criminal antecedent while seeking bail in Parbatta PS Case No. 522 of 2022. It is next submitted that a Co-ordinate Bench of this Court by order dated 9-5-2023 in Cr. Misc No. 12719 of 2023 was pleased to grant regular bail to the petitioner. The learned counsel submits that from perusal of the order dated 9-5-2023 in Cr. Misc No. 12719 of 2023, it would manifest that the learned APP, while opposing the bail application of the petitioner, had submitted that petitioner carries one criminal antecedent, other than the present one, which further demonstrates that petitioner had not concealed his criminal antecedent.

5. The learned counsel next submits that since the learned Co-ordinate Bench while granting bail had also imposed a condition that the criminal antecedent of the petitioner shall be verified as such when it came to the notice of the learned SDJM that petitioner carries an antecedent, he without appreciating the fact that it was the same antecedent which the petitioner had mentioned in Cr. Misc No. 12719 of 2023, proceeded to cancel



the bail bonds of the petitioner in a mechanical manner.

6. The learned APP is not in a position to rebut the submission of the learned counsel for the petitioner.

7. Considering the submission made by the learned counsel for the petitioner, the order dated 27-6-2023 passed by the learned SDJM, Khagaria in Parbatta P.S. Case No. 522 of 2022, whereby bail bonds of the petitioner has been cancelled and non-bailable warrant of arrest has been issued, is hereby quashed.

(Satyavrat Verma, J)

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