

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72333 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- NAUTAN District- West Champaran

Ambedkar Patel @ Ambedkar Kumar Patel Son of Mohan Patel resident of
village- Sansariya, P.S- Bettiah Muffasil, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
For the Informant	:	Mr. Keshav Shrivastava, Sr. Advocate
For the State	:	Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-12-2024 Heard Mr. Ansul, learned counsel for the petitioner,

Mr. Keshav Shrivastava, learned counsel for the Informant and

Ms. Renu Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
18.07.2024, in connection with Sessions Trial No. 526 of 2023
arising out of Nautan P.S. Case No. 135 of 2023, F.I.R. dated
17.04.2023 registered for the offences punishable under
Sections 307, 302, 120(B), 147, 149 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
earlier the petitioner has moved before this Court in Cr. Misc.
No. 21610 for grant of regular bail and the same was allowed
vide order dated 10.05.2024 with the following conditions:-

“(1) Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedents, 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.”

4. Learned counsel for the petitioner further submits that after the aforesaid order the petitioner was enlarged on bail and thereafter, the learned court below had found that the petitioner has concealed his criminal antecedent although the petitioner had mentioned that he carries ten more cases but in



fact the petitioner carries thirteen more cases other than the present one and on the sole ground, the learned court below has cancelled the bail application of the petitioner vide order dated 05.07.2024.

5. Learned counsel for the petitioner further submits that thereafter the petitioner has again moved for bail before the learned court but the learned trial court has rejected the bail petition of the petitioner vide order dated 18.07.2024 which is impugned in the present application. Learned counsel for the petitioner further submits that there was no intention to conceal the criminal antecedent of the petitioner and in fact the pairvikar of the petitioner has no knowledge about the actual criminal antecedent of the petitioner so he has not informed the counsel for the petitioner in the previous occasion. The petitioner is in custody since 18.07.2024.

6. The learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is a habitual offender and apart from that he has concealed the criminal antecedent only to obtain the bail from this Court. Further submits that the petitioner carries thirteen more cases other than the present one



but fairly submits on the basis of paragraph-3 of the bail petition that out of thirteen cases, the petitioner is on bail in ten cases and in two cases the petitioner has been acquitted from the charges levelled against him and rest one case the petitioner is not chargesheeted.

7. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XII, Bettiah, West Champaran in connection with Sessions Trial No. 526 of 2023 arising out of Nautan P.S. Case No. 135 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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