

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78937 of 2023

In
CRIMINAL MISCELLANEOUS No.39671 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

NAND KUMAR JHA Son of Late Bala Kant Jha R/o vill - Sumitra Villa
Appt. E2, Magistrate Colony, Khajpura, P.s - Rajiv Nagar, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Advocate
For the State	:	Mr. Dashrath Mehta, , APP
For the O.P. No.2	:	Mr. Krishna Kant Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 02-02-2024 1. Heard learned counsel for the petitioner, learned
APP for the State along with learned counsel for the O.P. No.2,
Mr. Krishna Kant Singh.

2. The learned counsel for the petitioner submits that
he had filed Cr. Misc. No.39671 of 2023 seeking anticipatory
bail and the same was allowed by order dated 02.08.2023.

3. It is next submitted that in Cr. Misc. No.39671 of
2023 at para-3, the petitioner had pleaded that he has antecedent
of four case. It is next submitted that in the order dated



02.08.2023 in Cr. Misc. No.39671 of 2023, it was recorded that- before accepting the bail bonds of the petitioner, the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has more than four antecedent then the present anticipatory bail order shall not be given effect to.

4. The learned counsel next submits that the petitioner in compliance of the order dated 02.08.2023 in Cr. Misc. No.39671 of 2023 surrendered before the learned Trial court, when his bail was opposed by the learned counsel appearing on behalf of the complainant on the ground that petitioner has more than four antecedents. It is next submitted that the learned trial court granted the privilege of provisional bail to the petitioner as it was submitted on behalf of the petitioner that petitioner was completely unaware of the pendency of Complaint Case No.1737 of 2016 as he never received any summon or notice of the complaint case till the order dated 02.08.2023, rather came to know about the said complaint case only when his bail was being opposed by the learned lawyer for the complainant at the time of surrender.

5. The learned counsel next submits that petitioner had already disclosed his four antecedents, as such there appears no reason that as to why the petitioner would have concealed



about the Complaint Case No.1737 of 2016. The learned counsel thus submits that since the learned trial court was directed to verify the criminal antecedent of the petitioner before accepting the bail bond and if he had more than four antecedents then in that event the anticipatory bail order was not to be given effect to, as such the learned trial court sought a report and in the meantime enlarge the petitioner on provisional bail. It is next submitted that in the event the order dated 02.08.2023 in Cr. Misc. No.39671 of 2023 shall not be modified in that event the provisional bail granted to the petitioner shall not be confirmed and he will be taken in custody.

6. The learned counsel appearing on behalf of the O.P. No.2 opposes the modification application but is not in a position to rebut the submission of the learned counsel for the petitioner that there was nothing on record to show that any summon or notice in the complaint case was received by the petitioner.

7. In view of the submission made by the learned counsel for the petitioner, the provisional anticipatory granted to the petitioner by the learned trial court shall be confirmed on the same term.

8. In the event if the learned trial court comes to



conclusion that petitioner after his release on anticipatory bail is not cooperating in the trial or is trying to delay the case in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reason.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

