

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82149 of 2024**

**In**  
**CRIMINAL APPEAL (SJ) No.981 of 2024**

Arising Out of PS. Case No.-518 Year-2023 Thana- KHAJEKALA District- Patna

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Anirudha Kumar S/o Gauri Shankar Mahto Resident of Adarsh Colony,  
Chhoti Nagla, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi W/o Pradeep Paswan R/o Mangal Akhara Nakhas, P.S. -  
Malsalami, Distt.- Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      06-12-2024                      1. Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The Court is taking a consistent view of not  
modifying the order granting anticipatory bail if the same was  
obtained by concealing the criminal antecedent.

3. Learned counsel for the petitioner submits that the  
instant Cr. Appeal (SJ) No. 981 of 2024 was filed on 26.02.2024  
before this Court. On that day the petitioner was a person with  
clean antecedent but three months after filing of the aforesaid  
criminal appeal, a criminal case came to be instituted against the  
petitioner on 06.05.2024, as such, the petitioner on the date  
when criminal appeal was filed was a person with clean



antecedent. It is further submitted that petitioner has got bail in the case which came to be instituted subsequent to filing of Cr. Appeal (SJ) No. 981 of 2024.

4. On query of the Court that as to when the petitioner got bail in the said case, the learned counsel appearing on behalf of the petitioner submits that he is not aware of the date on which the petitioner secured bail in the said case.

5. Learned A.P.P. submits that petitioner was granted the privilege of anticipatory bail by an order dated 25.09.2024 i.e. more than three months after the case came to be instituted against the petitioner. It is further submitted that from perusal of para 5 of the order dated 25.09.2024 in Cr. Appeal (SJ) No. 981 of 2024, it would manifest that the same records that the learned counsel appearing on behalf of the respondent no. 2 submits that appellants have not approached this Court with clean hand. It is submitted that at para-3 it has been pleaded that appellants are persons with clean antecedent when appellant no. 1 has antecedent of two cases and appellant no. 2 has antecedent of one case. Learned A.P.P. thus submits that the petitioner in the Cr. Appeal (SJ) No. 981 of 2024 as appellant had not approached this Court with clean hands and it was pointed out by the learned counsel appearing on behalf of the informant.



Learned A.P.P. next submits that the learned counsel appearing on behalf of the petitioner/appellant is not in a position to categorically submit that as to when the petitioner was granted the privilege of bail in the other case i.e. appellant was granted bail before or after the order dated 25.09.2024 which amply demonstrates that petitioner was aware that a case subsequent to filing of the criminal appeal but before the criminal appeal being taken up he came to be implicated in another criminal case.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to entertain the modification application, hence, the modification application is dismissed.

**(Satyavrat Verma, J)**

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