

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83399 of 2023

Arising Out of PS. Case No.-149 Year-2021 Thana- GAUNAHA District- West Champaran

Hare Krishna Chauhan @ Harinarayan Chauhan @ Harekrishna Chauhan,
S/O Late Tilak Mahato, Village- Shrirampur, P.S. Gaunaha, District. West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Informnat	:	Mr. Bashishtha Narayan Mishra, Advocate
		Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 16-02-2024 1. Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.
2. Petitioner seeks regular bail in connection with
Sessions Case No. 613 of 2022, arising out of Gaunaha P.S.
Case No. 149 of 2021 dated 24.07.2021 registered for the
offence(s) punishable under Section(s) 147, 148, 149, 447, 341,
323, 324, 325, 307 and 302 of the Indian Penal Code.
3. The main submissions advanced by learned counsel
for the petitioner are that the petitioner earlier preferred Cr.
Misc. No. 2190 of 2023 which was allowed vide order dated
11.01.2023 and in that order along with other conditions, one
condition was that the trial court would verify the criminal



antecedent of the petitioner and if any criminal antecedent of the petitioner is found then the court below shall take strict action against him for cancellation of his bail bond and unknowingly the petitioner did not disclose his one criminal antecedent of Gaunaha P.S. Case No. 16 of 2002 in which he was an accused as the said case was very old and the petitioner did not intentionally conceal the said case and the trial court following the direction of this court verified the petitioner's criminal antecedent and then the details of the Gaunaha P.S. Case No. 16 of 2002 came in light and thereafter his bail bond was concealed and he was again taken into custody. Further submissions are that for the alleged wrong, the petitioner has been sufficiently punished and on the last date, it was submitted by informant's counsel that remaining two witnesses, who were to be examined at that time, would be produced and examined before the trial court within one month but they have not been produced and examined yet and in addition to both the witnesses, one other witness of the prosecution is also to be examined. Further submission is that petitioner has been languishing in jail since 19.10.2023.

4. Learned counsel for the informant submits that though he undertook on the last date that two witnesses of the



prosecution who remained to be examined at that time would be produced and examined but as the trial court is vacant so both the witnesses could not be produced and examined and there was no fault on the part of the prosecution in non-producing and examining of the said witnesses.

5. Considering the above submissions and mainly taking into account the petitioner's custody period and also, the fact, that the petitioner had been granted the privilege of bail but his bail bond was cancelled by the trial court mainly on this ground that petitioner's one criminal antecedent of Gaunaha P.S. Case No. 16 of 2002 which related to the year 2002 was found on verification. Though the petitioner concealed his criminal antecedent in Cri. Misc. No. 2190 of 2023 but for this wrong he has been sufficiently punished as he has remained in jail for four months more period despite having got bail and as per above submission, most of the material witnesses have been examined in the trial of the petitioner, in the light of these facts this court is inclined to take a lenient approach to the petitioner's prayer. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions



Case No. 613 of 2022, arising out of Gaunaha P.S. Case No. 149
of 2021 on the following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.
- (2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.
- (3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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