

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82654 of 2024

In
CRIMINAL MISCELLANEOUS No.59803 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- RANIGANJ District- Araria

=====

Suman Kumar Mandal @ Suman Mandal Son of Ram Shankar Mandal
Resident of Village- Chharapatti Raniganj, P.S- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Madan Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-12-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The learned counsel for the petitioner submits that
petitioner was granted the privilege of anticipatory bail by an
order dated 31-8-2024 in Cr. Misc No. 59803 of 2024 with a
condition that the learned trial Court before accepting the bail
bonds of the petitioner shall verify the criminal antecedent of the
petitioner and in the event if it is found that petitioner has
antecedent of more than two cases, in that event, the anticipatory
bail order shall not be given effect to.

3. The learned counsel next submits that petitioner in
Cr. Misc No. 59803 of 2024, at para-3, had pleaded that he has
antecedent of two cases but when the petitioner surrendered in



terms of the order dated 31-8-2024 and the criminal antecedent was verified, it was found that petitioner has antecedent of three cases. It is submitted that the third case was Raniganj PS Case No. 70 of 2017. It is next submitted that Raniganj PS Case No. 70 of 2017 gave rise to Special Case No. 1803 of 2017, in which the petitioner was acquitted by a judgement dated 20-7-2023 passed by the learned Exclusive Special Judge Excise-1, Araria. It is next submitted that since petitioner was acquitted in the said case prior to filing of Cr. Misc No. 59803 of 2024 as such he had not mentioned the said case in his antecedent.

4. It is next submitted that in view of the submissions made above, the instant modification application has been filed seeking modification of the order dated 31-8-2024 for extending the time of surrender.

5. The Court concurs with the submission of the learned counsel for the petitioner that since petitioner was already acquitted in Raniganj PS Case No. 70 of 2017 as such the petitioner rightly did not incorporate the same at para-3 in Cr. Misc No. 59803 of 2024 recording the same as his antecedent, as such petitioner on the date when Cr. Misc No. 59803 of 2024 was filed, was having only two antecedents.

6. Learned APP does not oppose the modification application.



7. Considering the submission made by learned counsel appearing on behalf of the petitioner, the order dated 31-8-2024 in Cr. Misc No. 59803 of 2024 is modified to the extent that if petitioner surrenders on or before 27-12-2024, he shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Raniganj P.S. Case No. 254 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant modification application is allowed.

9. The supplementary affidavit filed on behalf of the petitioner is taken on record.

(Satyavrat Verma, J)

SUMIT/-

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

