

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83249 of 2023

Arising Out of PS. Case No.-145 Year-2016 Thana- HATHAURI District- Muzaffarpur

Atiqur Rahman S/o Late Md. Muslim R/o village- Khanpur, P.S-Hathauri,
District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Tiwari, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

6 23-02-2024 Heard Mr. Arun Kumar Tiwari, learned counsel for
the petitioner and Ms. Pushpa Sinha, learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Hathauri PS Case No.145 of 2016 dated 20-12-2016 , instituted
under Sections 147, 149, 341, 323, 436, 307 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Earlier, the petitioner's prayer for anticipatory bail
was allowed by this Court on 11-08-2023 *vide* order passed in
Cr. Misc. No. 47802 of 2023, with a direction to the learned
Court below to verify the criminal antecedents of the petitioner
before releasing him on bail.

4. Thereafter, Cr. Misc. No. 74123 of 2023 has been
filed for modifying the order dated 11-08-2023, passed by this



Court in Cr. Misc. No. 47802 of 2023, stating that due to inadvertence on the part of the petitioner's counsel, in paragraph no. 3 of the modification application, it has been wrongly typed that petitioner has no criminal antecedents, although the learned Additional District and Session Judge-2, Muzaffarpur, while rejecting the prayer of the petitioner, vide order dated 06-05-2023, passed in ABP No. 3741 of 2022, has recorded that one case bearing Hathauri P.S. Case No. 72 of 2009, is pending against the petitioner, as a result of which, this Court, while granting anticipatory bail to the petitioner, has imposed one condition to verify the criminal antecedents of the petitioner and if any case is found pending against the petitioner, this bail order may be treated as cancelled.

5. Pursuant to the orders passed by this Court dated 22-12-2023 and 09-02-2024, two supplementary affidavits have been filed on behalf of the petitioner. It is stated therein that three criminal cases are pending against the petitioner since before. It has further been submitted that this Court, while granting anticipatory bail to the petitioner vide order dated 11-08-2023, has recorded in paragraph 5 of the said order that Hathauri P.S. Case No. 72 of 2009 is going on between the parties, but in this case petitioner has not been made accused



till date and was also not named in the FIR. With regard to three other cases, as mentioned in the Modification application, petitioner has not given plausible explanation in this regard. Thereafter, the said Modification Application bearing Cr. Misc. No. 74123 of 2023 was withdrawn on 10-11-2023.

6. Thereafter, a fresh anticipatory bail application bearing Cr. Misc. No. 83249 of 2023 has been filed for grant of anticipatory bail to the petitioner in the instant case.

7. Under the above facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner, as the petitioner has concealed his criminal antecedents in the first Anticipatory bail application bearing Cr. Misc. No. 47802 of 2023.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the same shall be considered and disposed of, preferably on the same day, on its own merit, without being prejudiced by this order taking into account the fact that petitioner's earlier prayer for anticipatory bail was allowed on merit by this Court, but due to concealment of criminal antecedents, he has not been released, as also the fact that he has already been granted bail in all the three cases



pending against him since before by this Court as well as by the
learned Court below itself.

9. The application stands dismissed.

(Khatim Reza, J)

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