

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23868 of 2024

In
CRIMINAL MISCELLANEOUS No.14057 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- MIRGANJ District- Gopalganj

Saheb Hussain son of Sagin Miyan Village- Gaurup Samail Ps- Mirganj Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2. A modification application has been preferred on behalf of the petitioner seeking modification of the order dated 17.10.2022 passed in Cr. Misc. No. 14057 of 2022, whereby the petitioner has been granted bail with a condition that the Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner.

3. It is submitted that during the course of investigation, the Investigating Officer in the case diary disclosed that the petitioner has been facing four other criminal



cases besides the present one and, as such, the father of the petitioner, who is aged about 66 years, being not aware about the antecedent of the petitioner, has disclosed the same. On account of the aforesaid reason, the error has occurred and for which he is seeking apology.

4. It is further contended that that after enquiry, the deponent came to learn that the petitioner is also made accused in other four criminal cases, however, out of the four cases, in three of the cases, final reports have been submitted and the same has already been accepted by the jurisdictional Court. Further with respect to Mirganj P.S. Case No. 93 of 1998, it is informed that the petitioner has been acquitted. In the aforesaid factual premise the present modification application has been filed.

5. On the other hand, learned APP for the State submitted that the petitioner should disclose all the facts in the bail application and he has suppressed the necessary facts regarding his antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that out of all eight cases, in three of the cases, the final reports have been submitted and the same has been accepted by the Court below as per the



information of the petitioner. In one another case, the petitioner has already been acquitted, as stated hereinabove. In such circumstances, considering the totality of the facts as also the period of custody the learned Court below is directed to accept the fresh bail bond of the petitioner in terms of the earlier direction of this Court dated 17.10.2022.

7. The modification application stands disposed of.

(Harish Kumar, J)

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