

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7228 of 2025

Arising Out of PS. Case No.-249 Year-2023 Thana- KISHANPUR District- Supaul

Om Prakash Yadav @ Om Prakash Kumar S/o Sukhdev Yadav Resident Of
Village- Narhi, Shivpuri, Ward No 03, Ps - Kisanpur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Nath Yadav

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 43917 of 2024 and the same came to be allowed by an order dated 01.08.2024 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 even one case, in that event the anticipatory bail order shall not be given effect to. It is next submitted that petitioner in Criminal Miscellaneous No. 43917 of 2024 had pleaded at Para-3 that he is a person with clean antecedent, but at the time of accepting the bail bonds when his criminal



antecedent was verified, it was found that petitioner has antecedent of two cases, as such, his bail bonds were not accepted against which the petitioner moved before the Hon'ble Supreme Court by filing Special Leave to Appeal (Crl.) No. 13989 of 2024 and the Hon'ble Supreme Court by order dated 18.12.2024 was pleased to set aside the order dated 01.08.2024 in Criminal Miscellaneous No. 43197 of 2024 and the matter was remanded back for hearing it afresh. It is next submitted that before the Hon'ble Supreme Court it was submitted that petitioner is having trivial criminal antecedent and as such the condition imposed by the High Court for seeking anticipatory bail was set aside and the matter was remanded back.

3. The learned counsel for the petitioner submits that petitioner has antecedent of two cases and one of the case is under Section 354B of the IPC read with other sections of the IPC and the second case is also under Section 354 of the IPC read with other sections.

4. At this stage, the learned APP for the State, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application of the petitioner and submits that it appears that the petitioner is in habit of committing offence against women. It is next submitted that in the instant case also the petitioner is



alleged to have grabbed the hair of the informant and dragged her on account of which her clothes got torn.

5. The learned APP further submits that by judicial order of this Court, an accused has to mention his criminal antecedent in the bail application at Para-3 and of late, it was seen that anticipatory bails were being obtained by concealing criminal antecedents, as such, the said condition was imposed. It is further submitted that no doubt the petitioner in the nature of allegation was granted bail, but then petitioner had not approached this Court with clean hands being aware of the fact that he has antecedent of two cases. The learned APP further submits that had the fact been brought to the notice of the Court in Criminal Miscellaneous No. 43917 of 2024 that petitioner is in habit of committing crime against women, perhaps the Court would not have been persuaded to grant him anticipatory bail, but then since the criminal antecedent of the petitioner was concealed which persuaded the Court to grant anticipatory bail to the petitioner.

6. The Court is in complete agreement with the submissions made by the learned APP for the State that had the petitioner disclosed his criminal antecedent in Criminal Miscellaneous No. 43917 of 2024 then perhaps the Court may



not have been persuaded to grant the privilege of anticipatory bail to the petitioner.

7. However, at this stage, the learned counsel appearing on behalf of the petitioner submits that investigation in the case against the petitioner is still continuing and it might be a possibility that during the course of investigation the petitioner may be found innocent, on which the learned APP submits that if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five 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 Kisanpur P.S. Case No. 249 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



9. One of the bailors of the petitioner shall be his father, Sukhdev Yadav.

10. It is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

11. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

12. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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