

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28537 of 2025

Arising Out of PS. Case No.-856 Year-2023 Thana- SONEPUR District- Saran

Sipahi Rai S/O Late Bhola Rai Resident of Vill- Pravejabad, P.S.- Sonpur,
Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 08-09-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and is in custody since 21.02.2025.

3. As per submission, petitioner was granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 11966 of 2024 dated 12.03.2024, but as his criminal antecedent was not mentioned correctly, as it was mentioned one instead of three, the bail bond of petitioner was not accepted by learned trial court, whereafter the petitioner surrendered before the learned trial court on 21.02.2025. Aforesaid order was also refused to modify by learned Co-ordinate Bench of this Court through Cr. Misc. No. 36552 of 2024 dated 10.05.2024 and finally the



anticipatory bail as granted by learned Co-ordinate Bench of this Court was rejected/ recalled through Cr. Misc. No. 80204 of 2024 dated 17.01.2025.

4. It is submitted by learned counsel for the petitioner that considering the nature of accusation and available merits anticipatory bail was granted to the petitioner, but as due to certain miscommunications as criminal antecedent was not correctly mentioned, the bail bond of petitioner was not accepted. It is pointed out that none mentioning of criminal antecedents was neither intentional nor deliberate rather due to lack of knowledge. It is submitted that merely on the ground of criminal antecedents the privilege of bail cannot be refused to petitioner, in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648***. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



5. Learned APP, while opposing the prayer of bail conceded that petitioner was granted anticipatory bail as submitted above.

6. In view of aforesaid factual submission and by taking note of fact as petitioner was granted anticipatory bail by this Court, whereafter only on the ground of criminal antecedents the bail bond was rejected whereafter he is in custody since 21.02.2025, and further in view of legal ratio as discussed aforesaid in ***Prabhakar Tewari case (supra)***, petitioner above named, is directed to be released on bail in connection with Sonpur P.S. Case No. 856 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saran at Chapra /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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