

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26602 of 2025

Arising Out of PS. Case No.-140 Year-2020 Thana- CHACKMEHSI District- Samastipur

Subesh Sahni @ Subesh Kumar @ Suvesh Kumar @ Suvesh Kumar Sahni,
Son of Bishwanath Sahni, Resident of Village- Kalaujar Akaune, Ward No 11,
PS- Chakmehasi District -Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 253 of 2021 arising out of Chakmehasi P.S. Case No. 140 of 2020 registered for the offences punishable under Sections 302 and 364/34 of the Indian Penal Code. He has three criminal antecedents. He is in custody since 09.03.2025.

3. It would appear from the narration of facts present in the application that earlier, in the same matter, the petitioner had moved this Court seeking regular bail and this Court vide its order dated 21.10.2021 passed in Criminal Miscellaneous No. 19576 of 2021 granted privilege of regular bail to him on the conditions *inter alia* as under:-



“And further 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.”

4. The petitioner came out of jail by virtue of the order of this Court but later on, it was found that he had three criminal antecedents which he had suppressed before this Court by saying that he had no criminal antecedent.

5. The learned court below acting on the basis of the order of this Court in terms of conditions imposed cancelled the bail bond of the petitioner vide order dated 13.06.2022, non-bailable warrant of arrest was issued against him but he remained evading his arrest. Ultimately, he has been arrested and produced before the learned Magistrate only on 09.03.2025.

6. Considering the conduct of the petitioner, as he has played a fraud upon the Court and availed the privilege of bail as also remained evading his arrest for about two and half years, this Court is not inclined to grant him bail at this stage. The prayer for bail is refused.



7. Let a show cause notice be issued to the deponent of Criminal Miscellaneous No. 19576 of 2021 after registering a *suo motu* case of contempt after seeking permission of Hon’ble the Acting Chief Justice. The said contempt case shall be placed thereafter.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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