

**IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE-1st-CUM-SPECIAL JUDGE, SC/ST (POA) ACT, AURANGABAD (BIHAR)**

**GR CASE NO. 153/2020 AND TRIAL NO. 132/2022  
ARISING OUT OF KASMA P.S. CASE NO. 63/2020**

**PRINCE KUMAR  
vs  
STATE OF BIHAR**

**ORDER DATED 25.10.2024**

A regular bail petition filed on behalf of the accused/petitioner **Prince Kumar** arising out of Kasma P.S. Case No. 63/2020 under Sections 341, 323, 504, 420 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(r)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, after furnishing the copy to the Public Prosecutor a bail petition and pressed. The accused/petitioner is in judicial custody since 27.09.2024.

The learned counsel pressing the bail application and submitted that the earlier bail petition has been filed by the petitioner in this court and the same was rejected vide order 07.08.2021 against the aforesaid order, the petitioner has preferred a criminal miscellaneous and the Hon'ble High Court has been pleased to allow passed in Criminal Miscellaneous No. 3563 of 2021 vide order dated 26.10.2021 with further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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. The learned counsel has further stated that after verification, it is found that the petitioner has two criminal antecedent against the accused/petitioner in Kachhwa PS Case No. 104/2021 and Sigodi PS Case NO. 104/2021 and the police has reported that the petitioner has no criminal history vide para no. 20 of the case diary and the local PS also reported that the petitioner has no criminal history and hence his bail bond has been cancelled by this Hon'ble Court in the view of the condition of the Hon'ble Court passed in Criminal Miscellaneous No. 3563 of 2021 vide order dated 26.10.2021 and the petitioner is in jail since 27.09.2024 and no instruction was given by the Parvikar of the petitioner regarding another criminal history and hence it was not mentioned in para no. 3 of the earlier bail petition which was refused earlier by this court. He also stated that the petitioner has been penalized and he is entitled for bail and and he is ready to furnish bail bond of reasonable amount to the satisfaction of this court and he shall remain present before this court and it has prayed to extend the privileges of bail to the accused/petitioner.

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Per-contra, the learned Special Public Prosecutor has vehemently opposed the prayer and has invited the attention of this Court towards the contents of F.I.R. which are serious in nature and has prayed to reject the bail.

Perused the case record, it transpires that the learned counsel for the petitioner has stated that the Hon'ble Patna High Court has pleased to grant the regular bail of the petitioner passed in Criminal Miscellaneous No. 3563 of 2021 vide order dated 26.10.2021 with further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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. But, at the time of filing of the bail bond of the accused/petitioner, it was not found that the petitioner has criminal antecedent and his bail bond has been accepted on 15.03.2022 by this court in view of the order of the Hon'ble Patna High Court passed in Criminal Miscellaneous No. 3563 of 2021 vide order dated 26.10.2021. But, it was found that there are two criminal antecedents against the accused/petitioner in Kachhwa PS Case No. 104/2021 and Sigodi PS Case No. 104/2021. Later on, it has come to notice of this court that the petitioner has two criminal antecedents and same was not disclosed either before the Court or the Hon'ble High Court at the time of the hearing of the bail petition, so, in the view of the aforesaid condition imposed by the Hon'ble Patna High Court, the bail bond of the petitioner was cancelled on 11.04.2022 by this Court in view of the order of the Hon'ble Patna High Court passed in Criminal Miscellaneous No. 3563 of 2021 vide order dated 26.10.2021.

Having considered the above facts and circumstances of the case as well as in view of the order the Hon'ble High Court, Patna passed in Criminal Miscellaneous No. 3563 of 2021 vide order dated 26.10.2021, I am not inclined to enlarge the bail of the petitioner. Accordingly, the prayer of the bail of the petitioner is hereby **rejected**.

**Dictated by**

I/c ADJ-1st-cum-Special Judge (SC/ST) Act,  
Aurangabad(Bihar)  
Dated: 25.10.2024