

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5285 of 2015

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Shakir Mansuri, son of late Muslim Miya, resident of village-Jhunapur, P.S.
Siwan Mufasil (Mahadewa O.P.), district-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-03-2015 Heard Mr. Javed Aslam, learned counsel for the petitioner
and learned counsel for the State.

This application has been filed seeking modification in the order dated 21.1.2015 passed in Cr. Misc. No. 42250 of 2014 whereby bail was granted to the petitioner subject to certain conditions and one of which required the father of the petitioner to stand as one of the bailor. It is submitted on behalf of the petitioner that the father of the petitioner deceased more than 12 years ago and since this fact was not communicated to the counsel for the petitioner which resulted in such unintended error in the memo of parties which shows the father of the petitioner as alive.

A supplementary affidavit has been filed today and Mr. Aslam learned counsel for the petitioner while fairly stating that there is no death certificate available with the petitioner, has referred to a certification by the Mukhiya of the Gram Panchayat,

Bindusar Bujurg, Block Pacharukhi dated 13.3.2015 who has certified that the father of the petitioner died 12 years ago.

Learned counsel has also referred to the ordersheets in connection with Pacharukhi (Saray) P.S. Case No. 103 of 2014 and a letter of the Station House Officer written to the Sub Divisional Judicial Magistrate, Siwan in this connection which mentions the father of the petitioner as deceased. He thus submits that it is on account of the inadvertent error that such fact was not mentioned in the memo of parties and which has led to a condition in the bail order which cannot be complied with. He submits that the wife of the petitioner or any other close relative may be given such responsibility.

Having heard learned counsel for the parties and taking note of the circumstances reflected hereinabove, the order dated 21.1.2015 passed in Cr. Misc. No. 42250 of 2014 in so far as Condition No. (a) is concerned stands modified to the following extent:

“(a) the wife of the petitioner namely Chand Tara Khatoon/ father -in-law of the petitioner would stand as one of the bailor and who shall file an undertaking to inform the court below in case this petitioner is found involved in any further case of criminal nature after his release and whereupon the court below shall be at liberty to cancel the bail bond of this petitioner and to take him into custody; and”

Condition No.(b) would remain as it is.

The order passed in Cr. Misc. No. 42250 of 2014 stands modified to the aforementioned extent.

This application is allowed.

(Jyoti Saran, J)

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