

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55771 of 2015
(Arising out of Cr.Misc. No.17082 of 2015)

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Rajjak @ Sk. Rajjak @ Abdur Razzaque, S/o Sheikh Reyazuddin, Resident
of Village - Bharri, P.S. - Kadwa, District - Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Md. Ataur Rahman, Advocate
For the State	:	Mr. Umesh Lal Verma (APP)
For the Informant	:	Mr. Md. Sufiyan, Advocate
		Mr. Najeeb Ahmad, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 09-12-2015 Heard learned counsel for the petitioner and the learned

counsel appearing on behalf of the informant as well as the learned

counsel appearing on behalf of the State.

The present modification application has been filed on
behalf of Petitioner No.2 of Cr.Misc. No.17082 of 2015 in which
by means of order dated 13.10.2015, this Court had been pleased
to extend the privilege of anticipatory bail in favour of Petitioner
No.1 Md. Shamim @ Md. Shamim Akhtar and Petitioner No.2
Rajjak @ Sk. Rajjak @ Abdur Razzaque. At that point of time,
learned counsel for the informant had seriously contested the
matter and had submitted that Petitioner No.2 of Cr.Misc.
No.17082 of 2015 had been having serious criminal antecedents



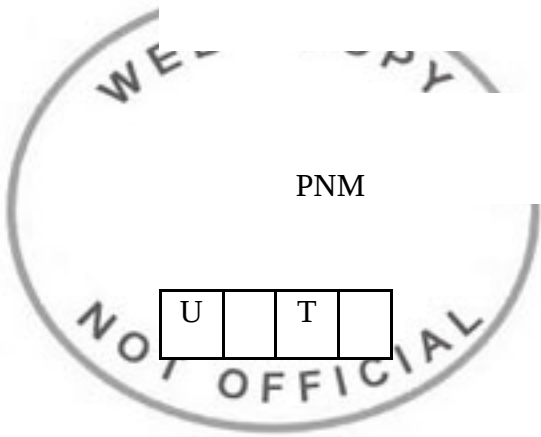
and, therefore, he may not be extended the privilege of anticipatory bail. However, this Court after considering all aspects of the matter had directed that both the petitioners, including the petitioner of this modification application be extended the privilege of anticipatory bail in the event of their arrest or surrender. The said order was passed with the condition that before release or grant of the said benefit, the antecedents of both the petitioners be verified.

In the present modification application, Petitioner No.2 of the said order, namely, Rajjak @ Sk. Rajjak @ Abdur Razzaque has submitted that there was two cases against him and, therefore, on the earlier occasion, he was not aware of the same and, therefore, the discrepancy has arisen in the petition and the mistake may be pardoned.

However, considering the entire facts and circumstances, I am not inclined to modify the order passed in favour of Petitioner No.2 (Rajjak @ Sk. Rajjak @ Abdur Razzaque) of Cr.Misc. No.17082 of 2015. The modification application is, thus, dismissed.

It shall, however, be open to the court below to consider the case of Petitioner No.2 of Cr.Misc. No.17082 of 2015, namely, Rajjak @ Sk. Rajjak @ Abdur Razzaque on its own merits without

being prejudiced by this order.



(Anjana Mishra, J)