

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28562 of 2014

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Ram Chandra Yadav Son of Late Hari Mohan Yadav Resident of Village -
Akonma, P.S. - Hasanpur, Distt. - Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sita Ram Yadav, Advocate.

For the Opposite Party : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-12-2015 Heard both sides.

The petitioner by filing this modification application seeks modification of the order dated 04.06.2014 passed in Cr. Misc. No. 11060 of 2014.

By the aforesaid order the prayer for anticipatory bail of the petitioner was rejected primarily on the ground that the FIR was instituted in the year 2008, but after lapse of six years the petitioner moved for anticipatory bail. The last portion of the order clearly says that “Nothing said in this order, however, will come in the way of the petitioner in making a prayer for regular bail.” It is further submitted that the petitioner had earlier filed CWJC No. 8642 of 2008 and a Bench of this Court passed interim order that “Till further orders, no coercive step should be taken against the petitioner in connection with the order contained in Memo No.

2602 C.G., Samastipur dated 09.05.2008, issued by the District Magistrate, Sitamarhi.”

Ultimately, the aforesaid writ petition was dismissed on 29.08.2013 on the ground that FIR had already been instituted in pursuance of Annexure-1. Thereafter, the petitioner filed the anticipatory bail petition, but this fact has not been taken into consideration while passing the order dated 04.06.2014.

It is further submitted that the petitioner also filed mentioning slip for not taking up the case during the vacation, but the case was taken up and it was not heard. From the order itself, it appears that the order was passed after hearing the parties and perusing the records, therefore, I do not find any plausible reason to modify the order aforesaid.

Accordingly, this modification application is dismissed.

(Prabhat Kumar Jha, J.)

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