

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49361 of 2014

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1. Md. Masiha Son of Ishlam Resident of Village- Purainiya, Police station-
Mainatand, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv

For the Opposite Party/s : Mr. Zainul Abedin (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 24-04-2015

Heard learned counsel for the petitioner as well as
 learned APP for the State assisted by learned counsel for the
 informant.

At an earlier occasion, inadvertently, the order dated
 22.04.2015, which was in relation to the instant petition i.e.
 Cr.Misc.No.49361/2014, has been typed and annexed with
 Cr.Misc.No. 20827/2014 which stood already disposed of, filed by
 the same petitioner. Accordingly, the aforesaid order be treated to
 be the order passed in Cr.Misc.No.49361/2014 and be brought up
 on the record.

While granting anticipatory bail to the petitioner vide
 order dated 22.09.2014 in Cr.Misc.No. 20827/2014, the learned
 Co-ordinate Bench had considered the submissions made on
 behalf of petitioner, who happens to be a purchaser, that his
 vendor Kanti Devi happens to be a lineal descendant of Hazari
 Lal, accordingly, directed to have her appearance supported with
 an affidavit at the time of furnishing bail bond. Subsequently,

Kanti Devi also moved Cr.Misc. No. 23135/2014 and vide order dated 16.10.2014, she was allowed the privilege of anticipatory bail. In the aforesaid background, now the petitioner intends to sterile the conditions whatsoever imposed vide order dated 22.09.2014 passed in Cr.Misc.No. 20728/2014 concerning appearance of Kanti Devi as well as affidavit on her score claiming herself to be the lineal descendent of Hazari Lal, on account of her presence before the Court.

After hearing respective counsels as well as considering the subsequent events whereunder, Kanti Devi had already availed the privilege of anticipatory bail vide order dated 16.10.2014 in Cr.Misc.No.23135/2014 (Annexure-2) whereunder, the allegation has been taken into account, attracts modification of the condition whereunder the aforesaid embargo having applied over petitioner now has to be erased.

Accordingly, the petition for modification filed on behalf of petitioner is allowed to that extent.

Furthermore, the time so prescribed under Annexure-1, the order dated 22.09.2014 passed in Cr.Misc.No. 20827/2014 is extended for another four weeks from today.

(Aditya Kumar Trivedi, J)

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