

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56747 of 2015

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Haribansh Rai & Anr.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-12-2015 The present application has been filed for modification of the order dated 28.07.2014 passed in Criminal Miscellaneous No.20061/2014 for modification of the condition which stipulates that the petitioners will remain physically present before the court below till disposal of the case.

The petitioners were granted anticipatory bail in connection with Dariyapur P.S. Case No.186/2010 registered for the offences punishable under sections 302, 307/34 of the Indian Penal Code, 27 of the Arms Act and 3/4/5 of the Explosive Substances Act with a condition which stipulates that the petitioners will remain physically present before the court below till disposal of the case.

It is submitted by learned counsel for the petitioners that the petitioners have appeared during trial regularly till the date and the bail bond has not been cancelled. A statement to that effect has been made in paragraph 9 to the petition, which reads as follows :-

"9. That as per order passed by the Hon'ble Court the petitioners were appeared before the court of ADJ-V, Chapra continuously i.e. each and every date fixed for hearing."

A further statement has been made in paragraph 10 of the petition to the effect that the petitioners are suffering from several ailment, which reads as :-

"10. That the petitioner no.1 is aged about 65 years and petitioner no.2 is aged about 55 years and they are suffering from several diseases. They are always under the treatment of different doctors. The doctor had advised to complete bed rest at least one year. Therefore, petitioners are unable to appear each and every date fixed by the court below."

In view of the aforesaid, let the condition is modified to the extent that the learned court below will cancel the bail bonds of the petitioners on three consecutive defaults during trial.

The order dated 28.07.2014 stands modified to the extent indicated above.

Accordingly, the modification application is

disposed of in connection with Dariyapur P.S. Case No. 186/2010,
pending before learned Ad-hoc Additional District and Sessions
Judge, Saran.

Ashwini/-

(Dinesh Kumar Singh, J)

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