

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17634 of 2016

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1. Bipin Kumar @ Bipin Mahto Son of Kishori Mahto R/o village-
Gunsagar, P.S.- Halsi, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 17-08-2016

The present modification application has been filed for modification of the order dated 08.03.2016, passed in Cr. Misc. No. 10494 of 2016, whereby the initial order dated 07.08.2014, passed in Cr. Misc. No. 21929 of 2014 was modified and period of surrender was extended by three weeks in connection with Halsi P.S. Case No 60 of 2013. Initially the order was modified with condition that bail bond of the petitioner shall be accepted on filing of the affidavit that after the order dated 07.08.2014 he has not been made accused in any other case and if he has been made accused in any other case, then the petitioner will surrender and pray for regular bail before the learned court below.

The petitioner was initially granted bail vide order dated 07.08.2014, passed in Cr. Misc. No. 21929 of 2014 by a Co-ordinate Bench of this Court in a case registered under Sections 323, 384, 354, 498A, 504/34 of the Indian Penal

Code with a rider that on even a single default in payment or on any violation of the undertaking, the liberty granted shall be deemed to be cancelled.

It is submitted by the learned counsel for the petitioner that subsequent to the initial order dated 07.08.2014, the petitioner was made accused in Halsi P.S. Case No. 18 of 2016 registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code.

Since, this Court vide order dated 08.03.2016, passed in Cr. Misc. No. 10494 of 2016 allowed the modification only to the extent of extending period of surrender with clear stipulation that if the petitioner will be found made accused in any case after the initial order 07.08.2014 then he will surrender and pray for regular bail. Hence, this Court is not inclined to entertain the present modification application. However, in view of the fact that the petitioner was granted anticipatory bail on merits and is still ready to keep the informant as wife with full dignity and honour and ready to make payment of the undertaken amount of Rs. 1200/- per month, it is a case for consideration of prayer for regular bail of the petitioner.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Halsi P.S. Case No. 60 of 2013, pending in the court of learned Sub-Divisional Judicial Magistrate,

Lakhisarai.

With the above observation this application is disposed of.

It is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day.

(Dinesh Kumar Singh, J)

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