

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3657 of 2016

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1. Onkarjit Singh Ahluwalia @ Omkarjeet Singh S/o Late Sardar Singh.
 2. Daljit Singh S/o Late Eqbal Singh

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manju Devi W/o Monu Rajak

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-01-2016

The present application has been filed for modification of the order dated 03.12.2014 passed in Criminal Miscellaneous No.25561/2014 for modification of the condition which stipulates that the petitioner was directed to remain physically present before the court below on each and every date till disposal of the case but in case of default on two consecutive occasions without reasonable cause, the liberty granted shall be deemed to be cancelled.

It is submitted by learned counsel for the petitioners that petitioner no.1 is residing at Jalandhar in Punjab and petitioner no.2 is not carrying good health and residing with his daughter at Mumbai. Hence, it is difficult for them to remain present before the learned court below on each and every date. For more than a year the petitioners are regularly appearing

before the learned Court below and the bail bonds have not been cancelled. A statement to that effect has been made in paragraph nos. 8 and 9 of the petition, which reads as follows :-

"8. That the time since the petitioners surrendered and furnished bail bonds, the petitioners have abided by the order of this Hon'ble Court and have never absented themselves consecutively for two dates in the last one year."

"9. That it has been more than a year that the petitioners have been appearing but there has been no progress in the court below and only dates are being given."

Considering the grounds taken in the modification application, let the condition be modified to the extent that the learned court below will be at liberty to cancel the bail bonds of the petitioners on three consecutive defaults during trial.

The order dated 03.12.2014 stands modified to the extent indicated above.

Accordingly, the modification application is disposed of in connection with SC/ST P.S. Case No.65/2009, pending before learned Judicial Magistrate, 1st Class, Begusarai.

(Dinesh Kumar Singh, J)

Ashwini/-

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