

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35459 of 2016

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1. Prasant Kumar @ Sajjan Kumar Son of Daso Prasad Yadav, resident of
Village- Sardarpur, P.S.- Madhusudanpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 22-08-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

This modification petition has been filed for
modification of order dated 13.07.2016 passed in Cr. Misc. No.
28151 of 2016 by which petitioner was granted bail by a co-
ordinate Bench of this court with certain conditions. The
concerned Bench imposed one of the conditions that petitioner
shall not be released on bail if he is found accused in any other
case.

Learned counsel for the petitioner points out that
petitioner filed Cr. Misc. No. 28151 of 2016 for seeking bail in
Akbar Nagar P.S. Case No. 40 of 2016 registered on 17.04.2016 for
the offences of Arms Act and as a matter of fact, he was sent to

jail custody on the same day after his arrest and thereafter, the aforesaid Cr. Misc. No. 28151 of 2016 was filed. It is further submitted that neither petitioner nor his Pairvikar was aware of this fact that on the same day i.e. on 17.04.2016 another case i.e. Akbarnagar P.S. Case No. 41 of 2016 had also been lodged against the petitioner and that was the reason petitioner failed to disclose the aforesaid case at para 3 of Cr. Misc. No. 28151 of 2016 but now, when he has already been granted privilege of bail in Akbarnagar P.S. Case No. 40 of 2016, it is difficult for the trial court to release him unless the order dated 13.07.2016 passed in Cr. Misc. No. 28151 of 2016 is modified.

In view of the aforesaid submission, this modification petition is allowed and accordingly, the order dated 13.07.2016 passed in Cr. Misc. No. 28151 of 2016 stands modified to the extent that institution of Akbarnagar P.S. Case No. 41 of 2016 shall not create hurdle in release of the petitioner in connection with Akbarnagar P.S. Case No. 40 of 2016.

In the aforesaid manner, this modification petition stands disposed of.

(Hemant Kumar Srivastava, J)

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