

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8608 of 2016

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1. Motilal Kushwaha Son of Maharaj Kushwaha resident of Village -
Laxmipur, P.S. - Adapur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. B.M.P.Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH
ORAL ORDER

2 06-04-2016 This is an application for modification of the order dated

25-5-2015 passed in Cr. Misc.No. 47312 of 2014 by which this

Court had granted bail in anticipation of arrest to the petitioner in
relation to Adapur P.S. Case No. 115 of 2013 instituted under
Sections 406, 420 and 409 of the Indian Penal Code, inter alia, in
the event of arrest or surrender within four weeks. The
modification sought for is that the petitioner being in custody in
another case i.e., Adapur P.S.Case No. 203 of 2013, he could not
apply for his release in terms of the order of this Court within four
weeks, as granted.

From the pleadings, it is clear that at the time when
the petitioner had sought anticipatory bail from this Court, he was
already in custody, though in another case. In the application for

anticipatory bail he stated categorically that he had no criminal antecedent. Thus, he had not only concealed that he was an accused in another case, but he also concealed the fact that he was in custody in that case.

In view of the aforesaid, I see no reason to modify my earlier order. If the petitioner is in custody in relation to this case, it will be open to him to apply for bail in accordance with law.

(Navaniti Prasad Singh, J)

B.K.Roy/-

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