

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36697 of 2016

=====

Shakir Hussain

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-09-2016

Heard both sides.

The petitioner has filed this petition for modification of order dated 15.02.2012 passed in Cr. Misc. No. 6942/2012 in which one of the conditions as enumerated in para (iv) that in case of absence for two consecutive dates his bail bond shall be cancelled by the concerned court and he will be taken into custody forthwith.

The learned counsel for the petitioner submitted that the petitioner is an employee in Kotak Mahindra in Delhi and now he is transferred Mumbai. It is not feasible for him to be present on each and every date during course of trial. The petitioner would appear in trial as and when he is required by the trial court.

Sri Sanjay Singh, learned counsel for the informant (opposite party no. 2) submits that the petitioner was not appearing on each and every date. Trial is at fag end and only one witness,

I.O., remained to be examined. The petitioner wants to prolong the trial and he has already solemnized second marriage.

Having considered the facts and rival contention of the parties I find that the condition to appear on each and every date in trial is a bit harsh particularly in view of the fact that the petitioner is working in Mumbai and the case is pending in the Civil Court, Patna. Accordingly, the condition is modified to that extent the petitioner shall appear in trial court as and when required by the Court. With the modification aforesaid, this petition is disposed of.

(Prabhat Kumar Jha, J.)

Rakhi

U		T	
---	--	---	--