

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4576 of 2016

- =====
1. Ratnesh Giri @ Ratnesh Kumar Giri son of Ganesh Giri
 2. Bhagya Narayan Giri @ Bhag Narayan Giri, son of Anirudh Giri
 3. Rabindra Giri, son of Chandrika Giri
- All resident of Village- Rampur, Khajuria Chowk P.S. Dumaria Ghat,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-02-2016

Heard learned counsels for the petitioners

and the State.

The present application has been filed for modification of order dated 30.10.2015 passed in Cr. Misc. No. 45818 of 2015 to the extent of waiving the condition of petitioners being not to be accused in any other case.

The petitioners were granted anticipatory bail by a co-ordinate Bench of this Court in a case registered for the offences punishable under Sections 341, 323, 324, 379, 307, 354, 447, 504 and 506/34 of the Indian Penal Code when in paragraph 3 of the main petition it was specifically said that the petitioners have no criminal antecedent. One of the conditions of

the bail was that the bailors will file affidavit clearly stating that the petitioners are not an accused in any other case and if they are, they shall not be released on bail, which reads as follows:-

“(ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.”

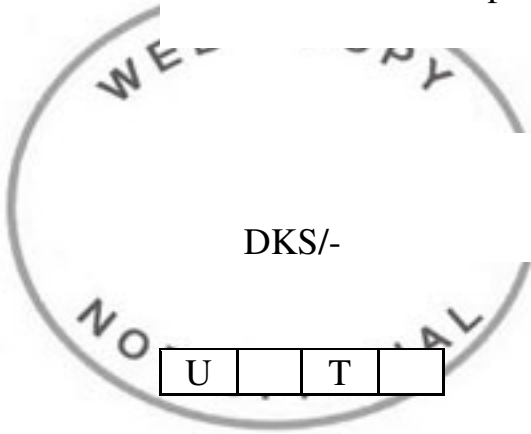
It is submitted by learned counsel for the petitioners that under wrong instruction it was mentioned in paragraph 3 of the main petition that the petitioners have no criminal antecedent, but subsequently it is found that all the petitioners are involved in one case each. Under such circumstances, the present modification has been filed.

Considering the specific stipulation in the earlier order, in view of this Court the present modification is not worth consideration. The earlier order dated 30.10.2015 passed in Cr. Misc. No. 45818 of 2015 is hereby confined.

Let the learned court below consider the prayer for regular bail of the petitioners keeping in view of the fact that on merits they were granted anticipatory bail in connection with Dumariya Ghat P.S. Case No. 100 of 2014 pending in the court of learned Chief Judicial Magistrate, East Champaran, Motihari.

Accordingly, this modification application is

disposed of.



(Dinesh Kumar Singh, J)