

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48002 of 2018

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Bharat Yadav S/o Ambika Yadav @ Amirka Yadav, R/o Vill.- Kailash
Nagar, P.S.- Bagaha (pathkhauli), District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 19-09-2018

Seen the report submitted by the District &
Sessions Judge, Muzaffarpur. Same is accepted with a warning
which should be communicated to the P.O. concerned.

At an earlier occasion vide order dated 02.11.2015
while releasing the petitioner on bail, considering the nature of
the case petitioner was directed to be physically present before
the Meenapur Police Station once in a month till pendency of
the trial. On account of procedural fault, his trial remained
unattended for years together. Furthermore, petitioner is
resident of district West Champaran at Bettiah. In the aforesaid
background, it has been prayed that the condition so inflicted
at an earlier occasion be recalled as is causing hardship to the
petitioner.

The learned Additional Public Prosecutor opposed
the same in the background of nature of the case.

After considering the rival submission as well as
for no fault of the petitioner the trial remained pending before a
vacant court, the prayer of the petitioner needs sympathetic



consideration whereupon, the aforesaid condition is hereby recalled and in terms thereof, order dated 02.11.2015 passed in Cr. Misc. no.48623 of 2015 (Annexure-1) is modified. Instant criminal miscellaneous is accordingly allowed. However, it is made clear that whenever required by the court petitioner will have his physical presence without any excuse, failing which, the court will be at liberty to pass appropriate order.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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