

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52385 of 2018

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1. Snehasis Jee @ Snehasis Bhattacharya, S/o Bijan Bihari Bhattacharya, Resident of Village- Mauja, P.S.- Pachhari Itaberia Bhupatinagar, District- Mednipur (West Bengal).
 2. Mirunjoy Jee @ Mirtunjoy Sahoo, S/o Haripada Sahoo, Resident of Village- Mauja, P.S.- Pachhari Itaberia Bhupatinagar, District- Mednipur (West Bengal).
 3. Bipal Pahari, S/o Aswini Pahari, Resident of Village and P.S.- Egra, District- Mednipur (West Bengal).
 4. K.C. Das, S/o Manoranjan Das, Resident of Village- Medanipur, P.S.- Bhupatinagar, District- Puri Mednipur (West Bengal).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Md. Ansarul Haque, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-08-2018 The petitioners, who are the residents of Kolkata, have sought modification of the order dated 26.08.2014, passed in Cr. Misc. No. 8035 of 2014 in connection with Chhatauni P.S. Case No. 88 of 2013, whereby they were granted anticipatory bail, but were directed to remain



physically present before the court below till the disposal of this case and in case of failure on two consecutive dates or willful violation of any undertaking giving by them without any reasonable explanation, the bail granted to them shall be deemed to be cancelled.

Mr. Ramakant Sharma, learned Senior Advocate for the petitioners has submitted that the petitioners have been presenting themselves physically before the concerned Court on all dates, but the case has not progressed beyond the stage of cognizance. It has further been submitted that such condition in the order referred to above, is highly onerous which takes away the rights of the petitioners from asking for their attendance to be dispensed with. The petitioners are ready to appear before the Court concerned as and when required and they shall not misuse such privilege of bail, even if the order referred to above is modified and the condition of physical presence on all dates be waived.

Considering the aforesaid facts as also taking into account that the petitioners have undertaken that they shall present themselves before the Court concerned on dates when they would be required, the order dated 26.08.2014 is modified to the extent that the petitioners, above named, shall not be compulsorily required to present themselves



physically before the court below on all dates. It is also made clear that the petitioners shall seek necessary permission from the Court concerned dispensing with their personal presence and they shall be represented through a lawyer.

With the aforesaid modification in the order dated 26.08.2014, the application is allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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