

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28610 of 2018

Arising Out of PS.Case No. -181 Year- 2016 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Zafar Imam, S/o Late Sk. Yaqoob,
2. Afsar Imam, S/o Zafar Imam,
3. Raisul Azam S/o Sk. Aaqil,
All Residents of Vill.- Deorwa, P.S.- Lauriya, District- West Champaran at
Bettiah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Syed Masleh-Uddin Ashraf, Advocate.
For the Opposite Party/s : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

This application has been filed for modification of
condition No. (2) of the order dated 31.01.2018 passed in Cr.
Misc. 57359 of 2017. The petitioners have surrendered before the
court below and furnished bail bonds.

It is mentioned in paragraph-5 of the modification
application that petitioner Nos. 2 and 3 are earning their livelihood
outside the State of Bihar. Therefore, it is difficult for them to
remain physically present on each and every date fixed by the
court below for their appearance. Therefore, he prays for



modification of condition No. (2) of the order dated 31.01.2018 passed by this Court in Cr. Misc. 57359 of 2017.

In view of such, condition No. 2 of the order dated 16.01.2018 passed in Cr. Misc. 57359 of 2017 is modified to the extent that if a petition under Section 317 Cr. P.C. is filed in the court below in the event the petitioner Nos. 2 and 3 namely, Afsar Imam and Raisul Azam, are not present as they are earning their livelihood outside the State of Bihar, then the court below will consider the same and pass appropriate order in accordance with law. The petitioners will remain physically present as and when required by the court below.

This Modification application stands disposed off to the extent indicated above.

Let this order be communicated to the Court of Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Lauriya P.S. Case No. 181 of 2016.

(Sanjay Priya, J)

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