

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61537 of 2018

In

Criminal Miscellaneous No.42357 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Siwan

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Irshad Ansari, Son of Haidar Ansari @ Haidar Ali Resident of
Village-Sultanpur, P.S. Andar, District-Siwan, at Present Nawalpur,
P.S. Siwan (T), District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv

For the Opposite Party/s : Mr. Sri Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-11-2018 The petitioner seeks modification of the order

dated 13.07.2018 passed by a Bench of this Court in Cr.

Misc. No. 42357 of 2018 whereby the petitioner was

directed to be released on bail on his furnishing bail bonds

but only after framing of the charges in this case.

The modification which the petitioner seeks is to do

away with the requirement of passing any order of bail after

framing of charge.

It has been submitted by learned counsel for the

petitioner that in the subject F.I.R, other accused persons



also were arrested who were released on bail by the Court below. Because of their non-appearance before the Trial Court, charges are not been framed. Because of this, even though only one pistol was recovered from the petitioner, he has remained in jail for about nine months. Under these circumstances, the aforesaid prayer for modification of the order referred to above has been prayed for.

This Court is afraid, such a condition cannot be removed from an order passed by a Bench of this Court.

As such, the present prayer for modification of the order is rejected.

However, considering the nature of accusation, the recovery of one weapon and one cartridge, clean antecedent of the petitioner and his incarceration for a period of nine months, the petitioner is given liberty to approach this Court afresh for grant of bail, if so advised.

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(Ashutosh Kumar, J)

