

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8371 of 2018

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1. Arzoo Alia @ Rafat Jahan @ Arzoo @ Rafhat, W/o Md. Helal,
 2. Khurshida Khatoon @ Bibi Khurshida Khatoon W/o Md. Jasim, Both
R/o Mohalla- Sahganj Khilafat Nagar, P.S.- Habibpur, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Salma Khatoon D/o Md. Azeez, R/o Mirganj, P.S.- Begusarai, District-
Begusarai, at present at National Seat maker, P.S.- Amarpur, District-
Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-10-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for modification of order dated 05.12.2017 passed by this Court by which while setting aside the order dated 24.07.2015 passed by the learned Chief Judicial Magistrate, Banka in Amarpur P.S. Case No. 139 of 2014 whereby he had rejected the prayer of the petitioners to extend the provisional bail granted to them and their bail bonds were cancelled, this Court had directed that the petitioners be released on bail in case they appear before the court



on or before 22nd of December, 2017 and furnish bail bond and sureties.

The petitioners did not appear before the court below till 22nd of December, 2017. A plea has been taken that the petitioner no. 1 is suffering from venereal disease besides other diseases and the petitioner no. 2 is suffering from mental ailment and is under medical treatment at Ranchi and, thus, they could not appear on or before 22nd of December, 2017. On such plea, learned counsel for the petitioners submitted that the period during which the petitioners were directed to appear before the court may be extended.

On the other hand, learned counsel for the State submitted that that no case for modification of the order is made out. The petitioners did not abide by the order passed by this Court and they failed to appear on or before 22nd of December, 2017 and the instant application was filed after much delay on 9th February, 2018

Be that as it may, considering the fact that both the petitioners are ladies, as a matter of last indulgence, the prayer is allowed. The order dated 05.12.2017 passed in Cr.Misc. No. 19369 of 2017 is modified to the extent that in case the petitioners appear before the court on or before 12th October, 2018, they shall



be released on bail on the same terms and conditions, as mentioned in the order.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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