

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38980 of 2019

In
CRIMINAL MISCELLANEOUS No.11885 of 2014

Arising Out of PS. Case No.-48 Year-2013 Thana- SC/ST District- Gopalganj

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1. HARILAL PANDIT Son of Late Radha Pandit Resident of village- Harpur Safi Tola, P.S.- Uchkagaon, District- Gopalganj.
 2. Pramod Kumar Gupta Son of Satilal Sah Resident of village- Harpur Safi Tola, P.S.- Uchkagaon, District- Gopalganj.
 3. Arif Hussain son of Aalim Mian Resident of village- Harpur Safi Tola, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uma Kant Shukla
		Mr.Shakti Suman Kumar
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-06-2019 The present application has been filed for

modification of order dated 05.05.2014 passed in

Cr.Misc.No.11885 of 2014 whereby the petitioners including the

other five persons were granted privilege of pre-arrest bail with

imposition of additional condition “to remain physically present

before the trial court on each and every date till disposal of the

case” in place of which the petitioners may be directed to

remain present physically before the court below on such date or

dates as and when required and directed by the learned court

below.



Learned counsel appearing on behalf of the petitioners submits that the petitioners along with five other persons in Cr.Misc.No.11885 of 2014 were allowed privilege of pre-arrest bail vide order dated 05.05.2014 with condition “to remain physically present before the court below on each and every date till disposal of the case.” He further submits that now charge has been framed. But due to the aforesaid order there is compulsion on the petitioners to appear physically on each and every date before the trial court till disposal of the case despite non-appearance of the witnesses. So, the order dated 05.5.2014 may be modified to the extent that “the petitioners shall remain present physically before the court below as and when required by the trial court.. Further submission is that the additional condition imposed in Cr.Misc.No.11885 of 2014 “to remain present physically before the trail court on each and every date till disposal of the case” has already been replaced / modified in respect to other five petitioners vide order dated 05.02.2019 passed in Cr.Misc. No.6694 of 2019 to the extent that “ to remain present physically as and when required by the trial court.”

In view of the facts and circumstances of the case, the additional condition as stipulated in Cr.Misc.No.11885 of 2014



is modified to the extent that the petitioners of the present case shall remain present physically before the trial court as and when required by it otherwise their bail bonds shall be cancelled.

This application is disposed of with modification to the extent stated above.

(Rajendra Kumar Mishra, J)

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