

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26904 of 2019

In
CRIMINAL MISCELLANEOUS No.19126 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

OM PRAKASH GIRI @ JHAPRU GIRI @ OM PRAKASH @ JHAGARU
@ JHAGRU GIRI, aged about 38 years, Male, Son of Late Kapildeo Giri
Resident of Village - Lakhraw, P.S.- Siwan Muffasil, District- Siwan
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Adv.
For the Opposite Party : Mr. Renuka Ratnakar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-05-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

This modification application has been preferred to
modify the order, dated 29.03.2019, passed in Cr. Misc. No.
19126 of 2019, to reduce the period of custody as the mother of
the petitioner is seriously ill and, the petitioner, being the only
care-taker and bread earner, his services are very much required.
He submits that while the petitioner was enlarged on bail by
order, dated 29.03.2019, passed in Cr. Misc. No. 19126 of
2019, but, the release was after completion of four months. The
petitioner is languishing in judicial custody since 02.03.2019.

It has been submitted by the learned counsel for the
petitioner that he has been remanded in the present case on
02.03.2019 and is languishing in judicial custody since then



although the petitioner has been taken in custody in another case on 23.02.2019 itself.

A supplementary affidavit has been filed bringing on record the medical prescriptions of the mother of the petitioner and her being seriously ill.

Considering the submissions, made in the supplementary affidavit and the period already undergone in custody, the order, dated 29.03.2019, passed in Cr. Misc. No. 19126 of 2019, is modified to the extent that “on completion of four months in custody” is deleted.

The modification application is allowed. The order, dated 29.03.2019, passed in Cr. Misc. No. 19126 of 2019, is modified to the extent indicated above.

(Nilu Agrawal, J)

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