

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53868 of 2019

In
CRIMINAL MISCELLANEOUS No.18413 of 2019

Arising Out of PS. Case No.-774 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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MD. MUMTAZ ALI @ NANHE Son of Late Ramjan Ali Resident of Village/
Mohalla- Mogalkuan, P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakila Bano D/o Late Akbar Hussain, Wife of Mumtaz Ali @ Nanhe R/o
Village- Mohalla Barbigha, Mahalpar, P.S.- Barbigha, District- Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha
For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-08-2019 This modification application has been filed for modification of order dated 01.07.2019 passed in Cr. Misc. No. 18413 of 2019, by which, the prayer of anticipatory bail of the petitioner was disposed of with direction to surrender in the court below on 09.07.2019 and the opposite party no. 2 was also directed to remain present on that day.

Submission of learned counsel for the petitioner is that as the petitioner fell ill, he could not surrender in the court below as per the direction of this Court and thus prayed for modification of order dated 01.07.2019 passed in Cr. Misc. No. 18413 of 2019 and for extension of time.



Heard learned APP also.

Having heard both sides, this court is not satisfied with the explanation, as such, I am not inclined to modify the order dated 01.07.2019 passed in Cr. Misc. No. 18413 of 2019, however, if the petitioner surrenders in the court below appear before the court below along with opposite party no. 2 and make prayer for regular bail and also file an affidavit that he is ready to keep the opposite party no. 2, the court below after considering the same shall dispose of the prayer of the petitioner for grant of regular bail in terms of order dated 01.07.2019 passed in Cr. Misc. No. 18413 of 2019, if possible on same day, without being prejudiced by this order.

Accordingly, this modification application is disposed of.

Let a copy of this order be communicated to the concerned court below forthwith.

(Vinod Kumar Sinha, J)

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