

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54224 of 2019

In
CRIMINAL MISCELLANEOUS No.39350 of 2017

Arising Out of PS. Case No.-173 Year-2016 Thana- SOHSARAI District- Nalanda

MD. SALIK ANJUM @ MD. ABU SALIK ANJUM, Son of Md. Abdul Talib,
Resident of Mohalla - Maula Nagar, P.S.- Sohsarai, Distt - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulsaba, Wife of Md. Salik Anjum, D/o Md. Rizwan Haidar, Resident of Mohalla - Maula Nagar, P.S.- Sohsarai, Distt - Nalanda at present resident of Mohalla - Khasganj, P.S.- Sohsarai, Distt - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-11-2019 Heard learned counsel for the petitioner and State.

While granting privilege of anticipatory bail to the petitioner by an order dated 19.08.2017 passed in Cr. Misc. 39350 of 2017 in connection with Sohsarai P.S. Case No. 173 of 2016, it has been directed that the petitioner's release on anticipatory bail shall be subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required, and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

The present petition has been filed seeking



modification of the part of that order to the extent it puts a condition for the petitioner to appear before the Court on each and every date and the consequence of failure to appear on two consecutive occasions.

Learned counsel for the petitioner has submitted that so as to earn his livelihood, the petitioner has to remain away from his native village and there can be a situation where he may fail to appear before the court below on two consecutive occasions. He, therefore, submits that the said condition may be modified and relaxed.

In my opinion, no modification is required. It is however clarified that if the petitioner is not in a position to personally appear before the court on any date fixed, he may be represented through his counsel, and may seek exemption from his physical appearance for that particular date.

This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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