

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20888 of 2019

In
CRIMINAL MISCELLANEOUS No.34229 of 2016

Arising Out of PS. Case No.-226 Year-2016 Thana- MAHILA P.S. District- Bhojpur

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AHUTOSH KUMAR RAY Son of Late Basgit Rai Resident of Village-
Dumaria (sahjauli Dera), P.O.- Bharauli, P.S.- Sahpur, District- Bhojpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anju Devi Wife of Ashutosh Kumar Ray and Daughter of Shyam Bihari Thakur Resident of Village- Dumaria, P.O. Bharauli, P.S.- Sahpur, District- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Govind
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 22-01-2020 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 28.4.2017 passed in Cr. Misc. No.34229 of 2016 in connection with Bhojpur Mahila P.S. Case No. 226 of 2016 pending in the Court of the learned SDJM, Bhojpur to the extent of modifying the condition of bail whereby the learned Court below was given liberty to cancel the bail bond of the petitioner if the petitioner will make three consecutive defaults during trial.

It is submitted by learned counsel for the petitioner that the petitioner works at Bellari in the State of Karnataka, hence it is difficult for him to appear regularly, however, a compromise



petition has also been filed before the learned Court below.

It appears that notices were issued to O.P. No. 2 vide order dated 31.7.2019 but the office note dated 20.1.2020 reflects that O.P. No. 2 has entered appearance through Mr. Sanjay Kumar, Advocate, but none appears on behalf of O.P. No. 2 despite repeated calls.

Considering the fact that the petitioner is working outside State and after charge being framed, the parties have entered into compromise, the last portion of the order dated 28.4.2017 passed in Cr. Misc. No.34229 of 2016 is modified to the extent that the bail bond of the petitioner will not be cancelled by the learned Court below till the learned Court below feels that the petitioner has deliberately not appeared and is delaying the conclusion of trial.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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