

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74580 of 2019**

**In
CRIMINAL MISCELLANEOUS No.50437 of 2019**

Arising Out of PS. Case No.-123 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SYED ATA FAIZAL S/o Late Md. Syed Mustafa @ Late Syed Ghulam
Mustafa Resident of Nawagachi, Ram Sagar, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Adv

For the Opposite Party/s : Mr. J.K.Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

2 02-07-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conference.

2. The present petition has been filed for modification of the condition imposed in para 4(iv) the order dated 14.08.2019 passed in Cr. Misc. No. 50437 of 2019 requiring “that the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.”

3. Learned counsel for the petitioner submits that the petitioner would face considerable difficulty in appearing before the Court of learned CJM, Bhagalpur on each and every date in compliance of condition no. 4(iv) of the order dated 14.08.2019 passed in Cr. Misc. No. 50437 of 2019 (Annexure-4). It is stated that the petitioner is a Clerk working at a school in Sherghati Subdivision in the District of Gaya having limited resources for his livelihood. The petitioner undertakes to be well represented



on each and every date before the learned Court below. Reference is further invited to the order dated 17.10.2019 passed in petitioner's case in Cr. Misc. No. 63031 of 2019 (Annexure-6) in which this Court had granted him such liberty.

4. Learned APP appears and has been heard.

5. Having regard to the difficulty expressed by the petitioner order dated 14.08.2019 passed in Cr. Misc. No. 50437 of 2019 stands modified only to the extent that condition no. iv of para 4 of the said order shall be treated as substantially complied with if the petitioner is well represented on each and every date during trial except as and when directed by the learned Court below to be physically present in connection with Kotwali (Tilkamanjhi) P.S. Case No. 123/2019.

6. The modification petition stands allowed.

(Vikash Jain, J)

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