

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86812 of 2019
In
CRIMINAL MISCELLANEOUS No.79799 of 2018**

Arising Out of PS. Case No.-51 Year-2018 Thana- PARASI District- Jehanabad

KUNDAN KUMAR Son of Jawhar Sao @ Jawahar Sao Resident of Village -
Belkhara, P.S.- Karpi, District - Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 19-10-2020 This application has been preferred seeking modification of the order dated 31.01.2019 passed by learned coordinate Bench of this Court in Cr. Misc. No. 79799/2018 by which while granting the privilege of anticipatory bail to the petitioner the learned coordinate Bench had recorded the willingness and readiness of the petitioner to deposit 50% of the total amount due as per the allegations in the First Information Report. The operative part of the order says that the petitioner has to deposit 50% of the total due amount within ten weeks and if that amount is deposited within the stipulated period the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/-.

At this stage, learned counsel for the petitioner submits that one Kishori Lal who is co-accused in this case had moved this court with a statement in his application that he would deposit 100% of the amount, therefore taking note of the same the condition mentioned in the order in respect of this petitioner be modified and the said part by which 50% has been



directed to be deposited by this petitioner be expunged.

Learned A.P.P. for the State has opposed the prayer of the petitioner. It is submitted that any such attempt to take away that substantive part of the order dated 31.01.2019 would be a kind of review of the order which is not permissible in law.

It is further submitted that the submission of learned counsel for the petitioner is wholly misconceived and misplaced. The learned coordinate Bench of this court has already rejected the modification application preferred by the co-accused Kishori Lal in Cr. Misc No. 15193/2020 vide order dated 10.07.2020.

Having heard learned counsel for the petitioner and learned A.P.P. for the State, this Court finds no reason to modify the order passed by learned coordinate Bench as learned A.P.P. is correct in saying that it would amount to reviewing the order passed by this Court.

This application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

