

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23764 of 2021**

Arising Out of PS. Case No.-485 Year-2020 Thana- GAYA KOTWALI District- Gaya

MD TABREZ Son of Gayasuddin @ Md Gayasuddin Resident of Village-
Sherpur, P.S.- Chandauti, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Murad Ashraf, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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

4 21-09-2021 Heard learned counsel for the petitioner and Mr.
Satyendra Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Chandauti P.S. Case No. 485/2020 registered for the offences punishable under Section 379, 411 of the Indian Penal Code.

It appears on perusal of the supplementary affidavit filed on behalf of the petitioner that during pendency of this application, the petitioner has been released on provisional bail vide order dated 19.07.2021 for a period of three months subject to the conditions mentioned in paragraph '5' of the supplementary affidavit.

Learned counsel for the petitioner has confirmed that the petitioner is out of jail by virtue of the said provisional bail but he apprehends that once the period of provisional bail expires the petitioner may be taken into custody.

Mr. Satyendra Prasad, learned A.P.P. for the State submits that in such circumstances the prayer for bail before this Court at this stage has become infructuous. It is also suggested

at the bar that the petitioner, while surrendering on expiry of the period of provisional bail, may file an appropriate application in the learned court below to confirm his provisional bail or to consider afresh his prayer for bail before taking him in further judicial custody.

Having regard to the facts and circumstances of the case, while this Court is of the considered opinion that this application has become infructuous, this Court would grant liberty to the petitioner to file an appropriate application in the learned court below while surrendering immediately on the next day of the expiry of the provisional period of bail granted to him vide order dated 19.07.2021, seeking confirmation of his bail or a fresh prayer for bail may be made on his behalf which will be considered by the learned court below on the same day.

This application stands disposed off with the observations.

(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'.