

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15804 of 2020

In
CRIMINAL MISCELLANEOUS No.33854 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Thet Win, aged about 33 years, Male, Passport No. MC78693, Nationality - Myanmar, Son of Tin Win, Resident of No. 70, 2nd Floor (Right), Bogyoke Road between 51st and 52nd, Pazundaung Township, Yangon (Myanmar).

... .. Petitioner

Versus

The U.O.I., through the Superintendent, Gaya International Airport, Gaya, Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Singh, Advocate
For the Opposite Party	:	Dr. K.N. Singh (Addl.S.G)
For the State	:	Mrs. Punam Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-01-2021 Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the Union of India.

By order dated 27.05.2019 passed in Cr. Misc. No. 33854 of 2019, this Court granted bail to the petitioner subject to the condition that the petitioner has to deposit his passport in the court below.

Against the decision of this Court, the petitioner has approached the Apex Court. The Apex Court, vide order dated 19.08.2019 passed in SLP (Crl.) No.7265 of 2019 (*Thet Win*



Vs. Union of India), declined to interfere with the order of condition imposed by this Court. However, the Apex Court directed the court below to take final decision with regard to the pending case against the petitioner.

Now the grievance of the petitioner is that the court below is not taking final decision and as such, this Court should review the earlier order and modify the terms and conditions of the bail order.

The Court has no other option but to dismiss this application. It is, accordingly, dismissed.

If the petitioner is aggrieved by non-disposal of pending case, despite direction of the Apex Court, remedy is now not available to the petitioner to file application for modification of the order dated 27.05.2019 rather the petitioner should approach the appropriate forum for early disposal of pending case and should not waste precious time by filing frivolous applications before this Court.

(Anil Kumar Upadhyay, J)

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