

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78479 of 2019

In
CRIMINAL MISCELLANEOUS No.59558 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- JOGAPATTI District- West Champaran

1. Multan Miya, aged about 48 years (Male) Son of Rasul Miya Resident of Village - Jagiraha, P.S.- Yogapatti, District- West Champaran, Bettiah
2. Rabina Khatoon @ Rabin Khatoon, aged about 39 years (Female) Wife of of Multan Miya Resident of Village - Jagiraha, P.S.- Yogapatti, District- West Champaran, Bettiah
3. Bismila Miya @ Bismil Miya, aged about 32 years (Male) Son of Late Moharram Miya Resident of Village - Jagiraha, P.S.- Yogapatti, District- West Champaran, Bettiah
4. Jamila Khatoon, aged about 28 years (Female) Wife of Reyajul Miyan @ Riyajul Miya @ Riyajul Miyan Resident of Village - Jagiraha, P.S.- Yogapatti, District- West Champaran, Bettiah
5. Mahmud Miya, aged about 42 years (Male) Son of Late Moharram Miya Resident of Village - Jagiraha, P.S.- Yogapatti, District- West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 27-10-2021 Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. Learned counsel for the petitioners has filed 1st supplementary affidavit stating therein that the petitioner no.3,



namely, Bismila Miya @ Bismil Miya @ Bismillah Mian has been arrested on 03.02.2020.

3. In view of the above, this modification petition, as against the petitioner no.3, stands dismissed as having become infructuous.

4. The present modification application has been filed for modification of the order dated 23.09.2019 passed in Cr. Misc. No. 59558 of 2019 granting provisional bail to the petitioners wherein the condition no. 4(i) was that one of the bailors shall be close relatives of the petitioners.

5. In this modification petition, it has been stated that the close relatives of the petitioners (except petitioner no. 3) are poor persons and have no property to furnish bail bonds but, later on, 2nd supplementary affidavit has been filed stating therein that the close relatives of the petitioners (except petitioner no. 3) are prepared to offer themselves as bailors for the petitioners as follows:-

Sl. No.	Name of the petitioners	Proposed bailor	Relationship with the petitioner
1.	Multan Miya (Petitioner no.1)	Gafur Miyan S/o Late Idan Miyan	Uncle
2.	Rabina Khatoon @ Rabin Khatoon (Petitioner No.2)	Jabir Hussain @ Jakir Ansari S/o Late Gafar Miayn @ Gafar Ansari	Brother
3.	Jamila Khatoon (Petitioner No.4)	Mohammad Sabir Alam S/o Hamid Miyan	Brother



4.	Mahmud Miya (Petitioner no.5)	Jakir Miyan S/o Late Habib Miyan	Brother-in- law
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6. Having regard to the submission of the petitioners (except petitioner no. 3), the modification petition is disposed of with the observation that the aforesaid relatives offering themselves as bailors be accepted as sufficient compliance of condition no. 4(i) of the order dated 23.09.2019 in Cr. Misc. No. 59558 of 2019.

7. Time granted for surrender and furnishing bail bonds by the petitioners (except petitioner no.3) in terms of the order dated 23.09.2019 in Cr. Misc. No. 59558 of 2019 is extended by four weeks from today.

8. Modification petition stands allowed.

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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