

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7671 of 2022

In
CRIMINAL MISCELLANEOUS No.12686 of 2020

Arising Out of PS. Case No.-395 Year-2019 Thana- KORHA District- Katihar

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1. UDESH KUMAR S/o Akhilesh Mahaldar @ Akhilesh Mandal R/o- Musapur, P.S.- Korha, Distt- Katihar.
 2. Abhishek Kumar S/o Akhilesh Mahaldar @ Akhilesh Mandal R/o Musapur, P.S.- Korha, Distt- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of
petitioners and learned A.P.P. for the State.

This application is filed for Modification of order
dated 25.10.2021 passed in Criminal Miscellaneous No. 12686
of 2020.

Learned counsel appearing on behalf of the petitioners
submits that vide order dated 25.10.2021 passed in Criminal
Miscellaneous No. 12686 of 2020, the petitioners were directed
to be released on bail in the event of their arrest or surrender
before the court below within the period of four weeks on
furnishing the bail bond of Rs. 10,000/- (Ten thousand) with two
sureties of like amount each to the satisfaction of the learned
C.J.M. Katihar, in connection with Korha P.S. Case No. 395 of



2019, subject to the conditions laid down under Section 438(2) Cr.P.C., but due to some unavoidable circumstances, petitioner could not surrender before the court below within the stipulated period. He further submits that petitioners are poor daily wagers and illiterate persons.

The present modification application has filed after a delay of three months from the date of order dated 25.10.2021 passed in Criminal Miscellaneous No. 12686 of 2020. From modification application, it appears that petitioners have not given any plausible reason for not surrendering before the Court below and they kept themselves absconding, even after they were released on bail.

In view of the above, the modification application is disposed of. The petitioners are directed to surrender before the Court below by 19.02.2022 and move for regular bail before the Court below and the Court below is directed to dispose of the bail application, if so moved by the petitioners, forthwith on the same day on its own merits.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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