

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31916 of 2022

In
CRIMINAL MISCELLANEOUS No.76441 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- MAHILA P.S. District- Bhojpur

AKASH KUMAR PATHAK, Son of Late Bisheshwar Pathak R/O village -
Katai Bojh, P.S.- Tiyar, Dist.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Kumari Wife of Akash Kumar Pathak R/O Vill.- Katai Bojh, P.S.-
Tiyar, Dist.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2022 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of petitioner and Ms. Asha Devi, learned A.P.P. for the
State.

The present application is filed under Section 482 of
the Cr.P.C. for Modification of order dated 01.11.2021 passed in
Criminal Miscellaneous No. 76441 of 2019.

Learned counsel appearing on behalf of the petitioner
submits that vide order dated 01.11.2021 passed in Criminal
Miscellaneous No. 76441 of 2019, the petitioner was directed to
be released on provisional bail on such conditions, which the
learned court below deems it fit in accordance with law, but the
same was not communicated to him by his counsel. The



petitioner is a responsible person and he is a constable in Indian Army and at present he is posted at district-Jammu. In para 10 of the bail application he has stated that informant is residing in her matrimonial home along with the petitioner and they have entered into compromise.

Taking into consideration the fact that the petitioner was released on provisional bail vide order dated 01.11.2021 passed in Criminal Miscellaneous No. 76441 of 2019, but petitioner could not surrender before the Court below within the stipulated time due to the fact that his counsel had not made such communication to him and for the said reason, the petitioner should not be made to suffer, as such, the order dated 01.11.2021 passed in Criminal Miscellaneous No. 76441 of 2019 is modified to the extent that petitioner is directed to surrender before the learned court below within 10 days from today. The other conditions of the order dated 01.11.2021 passed in Criminal Miscellaneous No. 76441 of 2019 shall remain same.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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