

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35862 of 2022

In
CRIMINAL MISCELLANEOUS No.62148 of 2019

Arising Out of PS. Case No.-389 Year-2018 Thana- BAIRIYA District- West Champaran

MD. WASIM MIYA S/O SAMIM AKHTAR, Resident of Mohalla- Hospital Road, Ganj No. 2, Ward No. 25, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma
For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

This application has been filed for modification of order dated 30.09.2019 passed in Cr. Misc. No. 62148 of 2019.

Vide order dated 30.09.2019 in Cr. Misc. No. 62148 of 2019, the petitioner was granted provisional bail for a period of two months and at that time, direction was given that the court below shall verify the criminal antecedent of the petitioner and if it is found that except this case, petitioner is not an accused in any other case, he will confirm the provisional bail of the petitioner otherwise, he will cancel the provisional bail



bonds of the petitioner. After granting provisional bail, the petitioner did not surrender or furnish bail bond. Thereafter, a modification application was filed to extend the time for surrender of the petitioner, which was allowed despite that the petitioner did not choose to surrender or furnish bail bond. Later on, the petitioner has again filed the present modification application to extend the time for surrender of the petitioner.

From the record it appears that in paragraph 3 of the bail petition of Cr. Misc. No. 62148 of 2019, the petitioner has mentioned that the petitioner has no other criminal antecedent, but, during verification it was found that there is a case being Bairiya P.S. Case No. 168 of 2018 pending against the petitioner, to which the learned counsel for the petitioner has submitted that in that case, the petitioner is on bail.

For the reasons mentioned in the present modification application, I do not find any cogent reason to allow the present modification application. The petitioner is directed to surrender before the court below and make a prayer for regular bail.

With the aforesaid direction, this modification application is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove,



failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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