

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61439 of 2022

In
CRIMINAL MISCELLANEOUS No.3918 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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1. JITENDRA RAI S/O LATE PRADEEP RAI Resident of village- Sivrahan Basudev, P.S.- Ahiyapur, District- Muzaffarpur.
 2. GAURAV KUMAR S/O JITENDRA RAI Resident of village- Sivrahan Basudev, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Ms. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The present modification application has been filed seeking modification of the order dated 16.08.2022 in Cr. Misc. No. 3918 of 2022.

Learned counsel for the petitioners submits that anticipatory bail was granted to the petitioners with a condition that one of the bailors of the petitioner no.2 shall be his close relative for which the petitioner no.2 will furnish a Genealogical table duly certified by the Circle Officer stating as to how the person who is claiming to be a close relative is related to him.

The learned counsel for the petitioners submits that



despite order of this Court, the Circle Officer has not certified the Genealogical table prepared by the Sarpanch duly affidavited by an Executive Magistrate, as such the petitioner no.2 till date has not been able to surrender, it is next submitted that bail bonds of the petitioner no.1 was also furnished but the same was not accepted by the learned trial court on the ground of non-fulfillment of the condition as laid in the order dated 16.08.2022.

This Court fails to appreciate that as to how the learned trial court did not accept the bail bonds of the petitioner no.1 when no such condition was imposed with respect to him. In the event, if petitioner no.1 surrenders on or before 30.11.2022, the learned trial court shall accept his bail bonds provided the same was refused earlier and, in the event, if the learned trial court comes to a conclusion that petitioner no.1 has not filed his bail bonds in time, as directed by this Court, then his bail bonds presently also shall not be accepted.

As far as petitioner no.2 is concerned, the learned trial court is directed to accept his bail bonds, if he surrenders on or before 30.11.2022 and furnishes the Genealogical table prepared by the Sarpanch and duly affidavited by an Executive Magistrate as submitted.



The order dated 16.08.2022 in Cr. Misc. No. 3918 of
2022 is modified to the extent indicated above.

(Satyavrat Verma, J)

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