

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17094 of 2023

Arising Out of PS. Case No.-91 Year-2019 Thana- KOTWALI District- Patna

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UPENDRA KUSHWAHA SON OF LATE MUNESHWAR SINGH R/O
VILLAGE- JAWAJ, P.S.- MAHNAR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-07-2023 Heard learned counsel for the parties.

2. This application is filed for quashing/modifying part of the order dated 11.11.2020 passed by learned Additional Sessions Judge XIIth, Patna passed in Anticipatory Bail Application No. 6406/2020, arising out of Kotwali P.S. Case No. 91 of 2019 (G.R. No. 850/2019) through which learned court below directed the petitioner to be physically present on each and every date in the learned court in after resumption of normal functioning of the Court.

3. The contention of learned counsel for the petitioner is that the direction of the Additional Sessions Judge is that petitioner will physically remain present on each and every date in the Session Court after resumption of functioning of the court is harsh and interferes with the liberty of the petitioner.



Petitioner says that he is ready to appear before the court regularly either personally or through his lawyer and will cooperate in the disposal of the case. He further submits that he will not abscond which will result in the pendency of the case.

4. In the opinion of this Court, the condition imposed by the court below upon the petitioner appears to be harsh particularly when the petitioner is ready to cooperate in the trial of the case.

5. The order dated 11.11.2020 is modified to the extent that the petitioner shall not be required to be present physically in the court below on each and every date. He will be represented through his lawyer or will personally appear as and when required. He will not delay in framing of charge and will not delay the recording of the evidence. Any default on his part will result in the cancellation of the bail bond of the petitioner and he may be taken into custody by the court below/police.

6. With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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