

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35291 of 2023

In
CRIMINAL MISCELLANEOUS No.38262 of 2018

Arising Out of PS. Case No.-277 Year-2015 Thana- HARSIDHI District- East Champaran

1. Manoj Kumar @ Manoj Kumar Yadav Son Of Amardeo Rai Resident Of Village- Murarpur Bhagaut, Ps- Harsidhi, Distt- East Champaran
2. Satyadeo Rai @ Satyadeo Yadav Son Of Amardeo Rai Resident Of Village- Murarpur Bhagaut, Ps- Harsidhi, Distt- East Champaran
3. Amardeo Rai Son Of Late Munsai Rai Resident Of Village- Murarpur Bhagaut, Ps- Harsidhi, Distt- East Champaran
4. Sanjit Kumar Son Of Satyadeo Rai Resident Of Village- Murarpur Bhagaut, Ps- Harsidhi, Distt- East Champaran
5. Sushila Devi Wife Of Satyadeo Rai Resident Of Village- Murarpur Bhagaut, Ps- Harsidhi, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Tiwari, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-08-2023 This petition has been filed for modification of order dated 03.07.2018 passed in Cr. Misc. No. 38262 of 2018 whereby *vide* condition No. (2) it was directed that :-

“petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners”

2. It is submitted on behalf of the petitioners that petitioner No. 3, namely, Amardeo Rai is suffering from many



old diseases, therefore, he is unable to move anywhere, petitioner No. 4, namely, Sanjit Kumar is doing job in Samsung R&D Institute of India-Bangalore Pvt. Ltd. and petitioner No. 5, namely, Sushila Devi is a Teacher in Government Primary School, Jail Murarpur Baghaut, East Champaran. In these circumstances, it is not possible for petitioner Nos. 3, 4 and 5 to be present on each and every date fixed by the court, hence, learned counsel for the petitioner requests for necessary correction in the order.

3. Learned A.P.P. for the State opposes the petition and submits that from bare perusal of the impugned order it is apparent that it is only in case of absence on two consecutive dates without proper and reasonable reason the bail bond of the petitioners will automatically be cancelled and as such, there is no merit in this application.

4. In view of the aforesaid facts and circumstances, order dated 03.07.2018 passed in Cr. Misc. No. 38262 of 2018 is not required to be modified. This modification petition is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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