

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28949 of 2023

In
CRIMINAL MISCELLANEOUS No.38226 of 2022

Arising Out of PS. Case No.-881 Year-2020 Thana- KHAGARIA District- Khagaria

GIRIJA PATHAK Son of Bal Karan Pathak Resident of mohalla - Road no.
06, North Jai Prakash Nagar, P.S. - Rajeev Nagar, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.S.N. Pathak
	:	Mr.Girish Chandra Jha
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present petitioner has been filed for modification of order dated 18.08.2022 passed by this court in Cr. Misc. No. 38226 of 2022, whereby and whereunder the petitioner was granted bail on certain conditions and he wants for exemption in condition no. (ii) which says that “petitioner will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.”

Learned counsel for the petitioner submits that petitioner is aged about 83 years and is unable to walk properly



and he is suffering from old age ailments and due to said reason the petitioner is unable to comply the condition no. (ii) of order dated 18.08.2022. Hence, he prays that condition no. (ii) be modified in the context of his physical condition.

Learned APP for the State opposes the prayer for bail of the petitioner and submits that for conclusion of trial by the learned trial court in time presence of petitioner is required and hence, there is no need of modification in order dated 18.08.2022.

Considering the aforesaid facts and circumstances of the case as well as submission made on behalf of the State, I am not inclined to modify the order dated 18.08.2022. Hence, the modification petition stands dismissed.

(Alok Kumar Pandey, J)

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