

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47893 of 2023

In
CRIMINAL MISCELLANEOUS No.64588 of 2021

Arising Out of PS. Case No.-188 Year-2021 Thana- MANIYARI District- Muzaffarpur

Nirmal Singh Son of Kuldip Singh Resident of Village- Badadhama,
Amarawati Road, P.S.- Wari, Dist- Nagpur, Maharashtra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 25-08-2023 The present application has been filed for

modification of the order dated 29.07.2022 passed in Cr. Misc.

No. 64588 of 2021.

2. A supplementary petition has been filed on behalf of the petitioner by learned counsel Mr. Prashant Kumar, who has been appointed as lawyer of the petitioner by Patna High Court Legal Services Committee.

3. It has been submitted by learned counsel for the petitioner that earlier the nephew (Bhagina) of the petitioner used to make pairvi and has affidavited the petition for bail filed on behalf of the petitioner vide Cr. Misc. No. 64588 of 2021 and prayer was allowed vide order dated 29.07.2022. Learned counsel further submits that one of the conditions imposed



while granting bail to the petitioner was that one of the bailors will be the deponent, who has sworn the affidavit on behalf of the petitioner but the deponent has become traceless and the petitioner has remained in custody even after grant of bail by this Court.

4. The instant petition has been filed for modification of one of the conditions regarding production of two sureties of the amount of Rs.20,000/- each since the petitioner was not having any family member to stand surety for the petitioner.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner has clarified the fact that though his nephew (Bhagina) has earlier been making pairvi but he is not taking interest in this case and he is not in contact with the petitioner. Thus, learned counsel submits that these two conditions namely regarding two sureties of Rs.20,000/- each and deponent as one of the sureties may be waived and the petitioner may be directed to be released on his personal bond.

6. Perused the records.

7. Having considered the submissions and further taking into account the fact that though the petitioner was granted bail vide order dated 29.07.2022 passed in Cr. Misc. No. 64588 of 2021 but could not be released due to condition about



production of two sureties and another condition being the deponent of the bail petition to be a bailor, I feel it proper for ends of justice that these conditions should be modified.

8. Under the circumstances, production of two sureties of the amount of Rs.20,000/- each and one of the sureties being the deponent are deleted from the conditions stipulated in the order dated 29.07.2022 passed in Cr. Misc. No. 64588 of 2021 and it is directed that the petitioner be released on personal bond of Rs.50,000/-. However, other conditions will remain the same with new condition that the address of the petitioner will be verified by the learned court below prior to accepting the personal bond.

9. Accordingly, the order dated 29.07.2022 passed in Cr. Misc. No. 64588 of 2021 is modified to the extent indicated above and the present modification petition stands disposed of.

10. Let the order be communicated to learned Special Judge, Excise Act, Muzaffarpur in connection with Maniyari P.S. Case No. 188 of 2021.

(Arun Kumar Jha, J)

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