

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51688 of 2022

In
CRIMINAL MISCELLANEOUS No.11463 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- DURAULI District- Siwan

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Rajesh Yadav @ Rajesh Kumar Yadav Son of Rajnath Yadav R/V- Badheya
Punak, P.S- Darauli, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-01-2023

Re.: I.A. No. 1 of 2022

Pursuant to the order of this Court dated 28.09.2022,
the petitioner has filed the present interlocutory application for
amending the prayer made in the bail petition for modification
of this Court's order.

The prayer is allowed.

The interlocutory application stands disposed of.

Re.: Cr. Misc. No. 51688 of 2022

Heard learned counsel for the parties.

The petitioner was one of the applicants in Cr. Misc.
No. 11463 of 2021 as petitioner no.6.

When the case was heard for the first time on
21.12.2021, provisional bail was granted to all the accused



persons including the petitioner and case diary was called for. However, after the case diary, the case was heard finally on 07.02.2022 and this Court recalled the provisional bail to petitioner nos. 1, 2, 3 and 5, who were directed to surrender before the court below and take bail.

However, with respect to the petitioner in the present application and petitioner no.4 in Cr. Misc. No. 11463 of 2021, the provisional bail granted to them was confirmed.

The concerned persons were allowed to remain on the same bail bonds filed by them when provisional bail was granted.

The petitioner/Rajesh Yadav @ Rajesh Kumar Yadav had not furnished his bonds when he was granted provisional bail.

Thus, when the final order was passed on 07.02.2022 confirming the provisional bail and directing for the same bail bonds to be continued, the applicant/petitioner got in a fix. Precisely for this reason, an application has been filed on his behalf for modification of the order dated 07.02.2022 so far as he is concerned.

For the reasons stated in the application, the order dated 07.02.2022 is modified with respect to the



petitioner/Rajesh Yadav @ Rajesh Kumar Yadav to the extent that if he surrenders before the court below within a period of four weeks from today, he shall be accorded the privilege under the order dated 21.12.2021 on the same terms and conditions viz. that he will furnish bail bonds in the sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Smt. Puja Arya, learned Judicial Magistrate, 1st Class, Siwan, in connection with Darauli P.S. Case No. 191 of 2020 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

With the aforementioned modification in the order dated 21.12.2021, the petition stands allowed and disposed of.

(Ashutosh Kumar, J)

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