

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61699 of 2024

In
CRIMINAL MISCELLANEOUS No.58217 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- BARSOI District- Katihar

Abdur Rahman @ Abdul Rahman Son of Late Abdul Gafoor Village-
Bengitola, Ps- Barsoi (kachar Op), Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naz Fatma Daughter of Late Niyaz Ahmad, Wife of Abdul Rahman Resident of village Bengitola, P.S. Barsoi(Kachar O.P.) Katihar at present Resident of village Ekcharna, P.S. Barsoi(Kachna O.P.) Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Alamdar Hussain, Adv. Mr. Prem Kumar, Adv. Mr. Shashi Bhushan Kumar, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-12-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No.2.

2. The learned counsel appearing on behalf of the petitioner submits that petitioner was granted privilege of anticipatory bail by an order dated 09.01.2020 passed in Cr. Misc. No.58217/2019 by a learned Co-ordinate Bench. It is next submitted that anticipatory bail was granted to the petitioner by order dated 09.01.2020 in Cr. Misc. No.58217/2019 with certain condition i.e. if the petitioner files an application that he is ready



to pay Rs.20,000/- per month to the O.P. No.2 till the same is decided by Family Court or any other Court of competent jurisdiction, in that event, the petitioner shall be released on bail on furnishing bail bond of Rs.25,000/-. The learned counsel submits that petitioner for getting the order dated 09.01.2020 in Cr. Misc. No.58217/2019 modified, filed Cr. Misc. No.15487/2020 for modification and the same was permitted to be withdrawn by an order dated 17.02.2021 passed by a learned Co-ordinate Bench. The learned counsel next submits that thereafter on 12.02.2024 the instant modification application has been filed, seeking modification of the order dated 09.01.2020 in Cr. Misc. No.58217/2019.

3. The learned counsel appearing on behalf of the O.P. No.2 submits that once the petitioner had approached this court, seeking modification of the order dated 09.01.2020 in Cr. Misc. No.58217/2019, by filing Cr. Misc. No.15487/2020, and the same was permitted to be withdrawn by an order dated 17.02.2021, in that event, the instant modification application is not maintainable. The learned counsel appearing on behalf of the O.P. No.2 next submits that petitioner had approached this court seeking anticipatory bail by filing Cr. Misc. No.58217/2019 and when anticipatory bail was granted to him



by order dated 09.01.2020 with certain condition, at that time, the petitioner did not object rather availed the privilege of anticipatory bail but then it is submitted that petitioner in terms of the order dated 09.01.2020 in Cr. Misc. No.58217/2019 till date has not surrendered and is seeking modification of the said order, which amply demonstrates the conduct of the petitioner that he intends to move at his leisure.

4. Considering the submission made by the learned counsel appearing on behalf of the O.P. No.2, the Court finds no merits in the instant modification application.

5. The modification application is rejected.

(Satyavrat Verma, J)

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