

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45660 of 2024

In
CRIMINAL MISCELLANEOUS No.28519 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- VIDYAPATINAGAR District-
Samastipur

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1. Ranjeet Kumar Mahto @ Ranjeet Kumar @ Rajeev Kumar Son Of Sunil Mahto @ Sunil Kumar Mahto
 2. Chatni Kumar @ Chhatni Kumar @ Sanjeev Kumar Son Of Sunil Mahto @ Sunil Kumar Mahto
- Both Resident Of Village-Balkrishnapur Madwa, Ward No.7, P.S. - Vidyapati Nagar, District - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Sinha, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The learned counsel for the petitioners submit that Cr. Misc. No.28519 of 2023 was filed seeking anticipatory bail by the petitioners, this Court by order dated 25.07.2023 was pleased to grant anticipatory bail to the petitioners with a condition that the that the learned trial court before accepting the bail bonds of the petitioners shall verify the injury report and if it is found that any injury suffered by the injured is grievous and is on vital part of the body, in that event the present anticipatory bail order shall not be given effect. It is further



submitted that six weeks time was granted to the petitioners for surrendering in terms of the order dated 25.07.2023 with the aforesaid condition. It is submitted that the petitioners in compliance of the order dated 25-07-2023 surrendered on 10.08.2023, thereafter, the learned counsel draws the attention of the court to para-4 of the modification application which has been filed seeking modification of the order dated 25-07-2023 in Cr. Misc No. 28519 of 2023, wherein it has been recorded that the aforesaid application has appraised before the Presiding Officer in his chamber who having gone through its content called the advocate concerned and asked to take back his application in light of para-7 of the order dated 25-07-2023 as he did not want to take trouble for the same and accordingly it (Annexure- P2) was handed over to the advocate concerned.

3. The learned counsel for the petitioners in sum and substance submit that after the petitioners were granted the privilege of anticipatory bail by order dated 25.07.2023 in Cr. Misc. No.28519 of 2023 with the aforesaid condition contained at para-7 of the order, the petitioners surrendered but the learned Presiding Officer called the learned lawyer and asked him to take back his application as he did not want to take trouble of getting the injuries verified i.e. whether the injuries were



grievous or simple.

4. As such, the instant modification application has been filed seeking modification of the condition of grant of anticipatory bail by order dated 25.07.2023 in Cr. Misc. No.28519 of 2023.

5. The learned APP, Chandra Bhushan Prasad vehemently opposes the modification application and submits that the instant modification application is frivolous in nature. It is further submitted that it absolutely does not stand to reason that the learned trial court would have asked the learned lawyer of the petitioner to take back their application when they surrendered in compliance of the order dated 25.07.2023 in Cr. Misc. No.28519 of 2023 on the ground that he does not want to take trouble in getting the injuries verified. It is also submitted that the modification application does not disclose the name of the learned lawyer who had filed the application on behalf of the petitioners in compliance of the order dated 25.07.2023 in Cr. Misc. No.28519 of 2023 i.e. who was the learned lawyer who was called by the learned ACJM asking him to take back his application.

6. The learned APP next submits that the order dated 25.07.2023 in Cr. Misc. No.28519 of 2023 had directed the



petitioners to surrender within a period of six weeks and the period of six weeks from 25-7-2023 was coming to an end on 4-9-2023. It is submitted that the petitioners in compliance of the order dated 25.07.2023 in Cr. Misc. No.28519 of 2023 surrendered on 10.08.2023 i.e. well within time.

7. The learned APP further submits that if what has been pleaded in the modification application is true then the petitioners ought to have moved this Court on 11.08.2023 or within the period of surrender i.e. before 04.09.2023, but then the instant modification application has been filed on 19.04.2024 i.e. eight months after 10.08.2023, which amply demonstrates that the petitioner was roaming around leisurely and in order to seek privilege of anticipatory bail at leisure has filed the instant modification application. The learned APP thus submits that the modification application be dismissed with heavy cost.

8. Considering the submission made by the learned APP the Court finds it to be a fit case to impose cost on the petitioners, as such the instant modification application is dismissed with cost of Rs.25,000/- which shall be deposited by the petitioners with the Patna High Court Legal Aid on or before 22.07.2024, failing which consequences would follow.



9. With the aforesaid direction the modification application is dismissed.

10. Put up this case under the heading ‘TO BE MENTIONED’ on 29.07.2024 when the learned counsel appearing on behalf of the petitioner shall remain physically present to inform the Court that as to whether the orders of this Court has been complied or not.

(Satyavrat Verma, J)

Prakash Narayan

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