

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38992 of 2024
In
CRIMINAL MISCELLANEOUS No.82618 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Md. Hasibur Rahman @ Hasibur Rahman Son of Late Shafiqur Rahman Resident of Village- Moglaha, Pothia Tola, PS- K. Nagar, Champa Nagar, Dist.- Purnea
 2. Md. Ashraf Raja Son of Md. Hasibur Rahman @ Hasibur Rahman Resident of Village- Moglaha, Pothia Tola, PS- K. Nagar, Champa Nagar, Dist.- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Raji Alam @ Md. Raji Son of late Sagir Uddin Resident of Village- Moglaha, Pothia Tola, PS- K. Nagar, Dist.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 25-10-2024 Heard.

2. The present application has been filed with a prayer to modify the order dated 05.03.2024 passed in Cr. Misc. No. 82618 of 2023.

3. It has been submitted on behalf of the petitioners that they were granted anticipatory bail by order dated 05.03.2024 passed in Cr. Misc. No. 82618 of 2023. It has further been submitted that in paragraph-7 of the said order, an observation was made that after accepting the bail bond, the court below shall verify the criminal antecedents of the petitioners and if, it is found that they are involved in any other case except the present one, their bail bond shall be liable to be cancelled. It has next been



submitted that due to mistake, in paragraph-3 of the main petition of Cr. Misc. No. 82618 of 2023, the criminal antecedents of the petitioners were left to be mentioned and that is why, the bail bonds filed by the petitioners were cancelled by the learned court below. It has also been submitted that the act of the petitioners is neither deliberate nor willful rather it was a mere mistake. It has lastly been submitted that approximately, all the cases which have been detailed in supplementary affidavit, were filed either by the informant or by his relatives.

4. Considering the above-mentioned facts and circumstances, the observation made in paragraph-7 of the order dated 05.03.2024 passed in Cr. Misc. No. 82618 of 2023 is, hereby, recalled and accordingly, this modification application is allowed.

5. The petitioners are directed to surrender before the court below within a period of four weeks from today.

6. All the other terms and conditions shall remain the same as mentioned in the order dated 05.03.2024 passed in Cr. Misc. No. 82618 of 2023.

(Nawneet Kumar Pandey, J)

Nirmal/AKV

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