

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.46954 of 2024

In

CRIMINAL MISCELLANEOUS No.64461 of 2023

Arising Out of PS. Case No.-1422 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Vidya Bhushan @Vishal Kumar @ Vidya Bhushan Kumar Singh @ Vidya Bhushan Singh S/O Shankar Singh @ Shankar Prasad Singh, aged about 33 years, Gender, Male, R/O Village Sultanpur, P.S. Mahnar, Distt-Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Kumari, aged about 36 years, Female, W/O Dinesh Sharma R/O Village Kauwa, P.S. Tajpur Halai, Distt-Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Swetabh, Advocate
For the Opposite Party/s: Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 25-10-2024 Heard Mr. Surya Swetabh, learned counsel appearing on behalf of the petitioner and Mr. Tapeswar Sharma, learned APP for the State.

2. The present application has been filed for modification of the order dated 16.10.2023 passed in Cr. Misc. No.64461 of 2023 in view of the order dated 19.04.2024, passed by the Hon'ble Supreme Court in the Special Leave Petition



(Criminal) Diary No(s).15530/2024, by which liberty was given to the petitioner to seek appropriate modification/clarification particularly with regard to the direction contained in the paragraph no.7 of the said order.

3. It is submitted by learned counsel appearing on behalf of the petitioner that, on instruction of the Parivkar that work amounting to Rs.1,86,430/- was left incomplete by the petitioner as per the measurement book and specific statement has been made in paragraph no.4 of the interlocutory application no.1 of 2024 that entire work has been completed. Learned counsel submitted that work has already been completed and the order dated 16.10.2023 is required to be modified to the above extent.

4. Considering the fact that the petitioner was already released on provisional bail *vide* order dated 16.10.2023 passed in Cr. Misc. No. 64461 of 2023 and in view of the fact that by filing I.A. No.1 of 2024, the petitioner has sought to delete paragraphs no.5 and 6 of the modification application and the same has been allowed. Learned counsel appearing on behalf of petitioner has submitted before this Court that, as per the measurement book, entire work has been completed. In such circumstances, the modification as sought by the petitioner is



allowed. The learned District Court is directed to make the provisional bail order absolute.

5. The modification petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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