

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52148 of 2024

In
CRIMINAL MISCELLANEOUS No.3387 of 2022

Arising Out of PS. Case No.-401 Year-2020 Thana- TAJPUR District- Samastipur

=====

Zulquarnain Azam @ Zulfi Son of Md. Mossarat Ali R/O- Village-
Mohammadpur, Kowari, P.S.- Waini O.P, Distt.- Samastipur-848101.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present petitioner has been filed for modification of order dated 23.08.2022 passed by this court in Cr. Misc. No. 3387 of 2022, whereby and whereunder the petitioner was granted bail on certain conditions and he wants for exemption in condition no. (ii) which says that “petitioner will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.”

3. Learned counsel for the petitioner submits that the petitioner was granted bail on 23.08.2022 with certain conditions and now he seeks modification of the aforesaid condition no. (ii)



as the petitioner was unable to comply the condition/direction given by this court. He is a practicing advocate in Delhi so petitioner was unable to comply the aforesaid condition no. (ii) of order dated 23.08.2022 passed by this court vide Cr. Misc. No.3387/2022. Hence, he prays for modification of the aforesaid condition no. (ii).

4. Learned APP for the State opposed the prayer for modification of the petitioner and submits that the condition which has been given in the present case is quite reasonable as similar direction for appearance has been given in all cases and no modification is required as it will affect the conclusion of trial. There is nothing in the bail condition where modification is required. In the light of facts and circumstances of the case, no modification is required in order dated 23.08.2022 as such condition is given to conclude the trial effectively and efficiently.

5. Considering the aforesaid facts and circumstances of the case, bail has already been granted on 23.08.2022 and modification petition has been filed on 16.07.2024 which clearly indicates that near about two years has already been spent after passing the bail order of the present petitioner and after spending near about two years he has sought modification in bail condition, which is not required as there is nothing unusual in the said bail condition, I am not inclined to modify the order dated 23.08.2022



passed in Cr. Misc. No.3387/2022. Hence, the modification
petition stands dismissed.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

