

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61727 of 2024

In
CRIMINAL MISCELLANEOUS No.49307 of 2019

Arising Out of PS. Case No.-187 Year-2018 Thana- DAWATH District- Rohtas

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Anil Kumar Son of Ramchandra Ram Resident of Village - Kanhauli
Ajarkabe Shakti Nagar, P.S. - Ramna Mithanpura, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through District Manager, State Food Corporation,
Rohtas at Sasaram Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Miss Supriya Rani, Adv.
For the Opposite Party/s :	Mr. Shyameshwar Dayal, APP
For the BSFC :	Mr. Shailendra Kr. Singh, Adv.
	Mr. Utkarsha Utpal, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. This second application has been filed for
modification of the order dated 18.12.2019 passed in Cr.
Misc. No. 49307 of 2019.

3. Learned counsel appearing on behalf of the
petitioner submits that the petitioner was granted provisional
anticipatory bail on 18.12.2019 passed in Cr. Misc. No. 49307
of 2019 with a direction to surrender before the Court below
within six weeks from today, on furnishing bail bonds of Rs.



10000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Dawath P.S. Case No. 187 of 2018, but due to medical reasons, the petitioner could not surrender before the Court below within the stipulated time.

4. It is made clear that after release on provisional anticipatory bail, the petitioner shall deposit the rest amount of Rs. 7,50,000/- in the court below within next six weeks and if the petitioner deposits the total amount of Rs. 15,00,000/- in the aforesaid manner, the court below shall confirm the provisional anticipatory bail granted to the petitioner and if the petitioner fails to do so, the provisional anticipatory bail granted to the petitioner shall stand cancelled by the court below itself and the court below shall take all necessary steps for production of the petitioner.

5. Learned A.P.P. for the State has submitted that the petitioner was medically examined at Muzaffarpur, Bihar on 15.08.2023 and the modification application had been filed on 02.04.2024 which was earlier rejected by this Court vide order dated 23.04.2024 passed in Cr. Misc. No. 27325 of 2024. No any medical prescription was filed on behalf of the



petitioner. It is misuse of process of law.

6. In view of the matter, the petitioner was granted provisional anticipatory bail on 18.12.2019 passed in Cr. Misc. No. 49307 of 2019 with a direction to surrender before the Court below within six weeks but the petitioner could not surrender before the court below within stipulated time without giving any cogent and proper reason.

7. Accordingly, the instant second modification application is rejected.

(Chandra Prakash Singh, J)

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