

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66997 of 2024**  
**In**  
**CRIMINAL MISCELLANEOUS No.23110 of 2024**

Arising Out of PS. Case No.-117 Year-1996 Thana- SAHAR District- Bhojpur

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Kameshwar Singh @ K.K. Bihari S/O Late Sidhari Singh R/O Village and  
P.S- Narayanpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Md Ataul Haque  
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

ORAL ORDER

2      17-09-2024                      Heard the learned counsel for the petitioner and the  
  
State.

2. This application has been filed for modification of  
condition no.(iii) imposed upon the petitioner by order dated  
11.07.2024 passed in Cr.Misc.No.23110 of 2024.

3. The learned counsel for the petitioner has submitted  
that it was observed in condition no.(iii) of the said order that  
the petitioner shall be released on bail after examination of four  
witnesses. It is stated that out of eight charge-sheeted witnesses,  
three have been examined. The doctor turned up for his  
deposition in the witness box, but his deposition could not be



recorded since the post mortem report was not available with the record.

4. The condition no.(iii) of the order dated 11.07.2024 in Cr.Misc.No.23110 of 2024 is modified to the extent that the bail bond of the petitioner shall be accepted either after examination of four prosecution witnesses or after four months from today, whichever is earlier. Rest of the conditions shall be unaltered.

5. With the observation aforesaid, the application stands disposed of.

6. The learned District Judge, Bhojpur at Ara is directed to conduct an enquiry in respect of non-availability of the post mortem report in the case diary. The Superintendent of Police, Bhojpur at Ara shall co-operate in the inquiry.

7. The District Magistrate, Bhojpur at Ara shall call for an explanation from the conducting A.P.P./P.P. as to why the concerned A.P.P./P.P. could not detect, before calling the doctor in the witness box, that the post mortem report was not available.

8. The report of the learned District Judge and the District Magistrate, Bhojpur at Ara must reach this Court within six weeks.



9. Let a copy of this order be sent to the concerned officials.

10. List the matter on 20.11.2024.

**(Nawneet Kumar Pandey, J)**

HR/-

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