

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14713 of 2024

In
CRIMINAL MISCELLANEOUS No.57996 of 2023

Arising Out of PS. Case No.-382 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. Mohammad Esmael @ Isamail son of Late Ali Akhtar Vill- Mohammdabad Galimpur, Ps- Mohammadabad Dist- Mau U.P
2. Samshul Haque son of Late Mohammad Suleman Village- Bherbaniya Ps- Bhagwanpur Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-03-2024 Heard Mr. Raghav Prasad, the learned counsel for the petitioners and Mr. Ramchandra Sahni, the learned Additional Public Prosecutor for the State.

2. The present modification application has been filed for modifying the order dated 06.09.2023, whereby the petitioners were granted bail with the condition:

(i) that one of the bailors should be the father of the petitioners.

3. Earlier, the petitioners had filed Cr. Misc. No. 83587 of 2023 for modification of the order dated 06.09.2023, passed in Cr. Misc. No. 57996 of 2023, but the same was dismissed on the ground that no certificate or date of death was mentioned in the modification application about the fathers of the petitioners.

4. Learned counsel for the petitioners submits that, in



fact, the father of the petitioner no. 1 had died long back, around 26 to 27 years ago, and father of the petitioner no. 2 died on 29.01.1995.

5. Learned counsel for the petitioners submits that the order dated 06.09.2023 may be modified to the extent that one of the bailors should be any other person in place of father of the petitioners.

6. Learned counsel for the State, on the other hand, on the basis of the materials available on record has vehemently opposed the prayer and submits that from perusal of the modification application, it appears that the petitioners have not annexed the death certificate of their fathers issued by the competent authority, in accordance with law, rather they have annexed the certificate which was issued by the *Mukhiya* and *Gram Pradhan*.

7. Considering the aforesaid facts, there is no material available on record to suggest that fathers of the petitioners had died.

8. Accordingly, this modification petition stands dismissed.

(Rajesh Kumar Verma, J)

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