

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27026 of 2024
In
CRIMINAL MISCELLANEOUS No.74936 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- CHHATAUNI District- East Champaran

Kundan Kumar @ Kundan Kumar Tiwari Son Of Sri Pukar Tiwari Resident
Of Village - Bara Bariyarpur, P.S. - Chhatauni, District - East Champaran
... .. Petitioner/s

Versus

The State Of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mrs. Meena Singh, A.P.P
For O.P. No.2	:	Mr. Ansh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

11 09-05-2025 Heard Learned counsel for the petitioner, Learned
APP for the State and Learned counsel for O.P. No.2.

2. The present application has been filed for modification of provisional bail granted to the petitioner *vide* order dated 29.11.2023 in Cr. Misc. No. 74936 of 2023. Counsel submits that extension is required due to the reason that O.P. No.2 did not appeared for conciliation within time for three consecutive dates and it is due to this reason that in the absence of O.P. No.2, conciliation has been failed.

3. Learned counsel appearing on behalf of O.P. No.2 submits that at the time of granting bail, this Court has pleased to impose different conditions. One of the condition was that the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the



Trial Court itself. Another condition was about confirmation of his provisional bail after fulfillment of mediation. Counsel submits that on the ground of conciliation, petitioner's bail bond has not been cancelled. Counsel further submits that it is true that O.P. No.2 could not appear for conciliation, but bail bond of the petitioner has been cancelled on the ground of non-fulfillment of the conditions imposed by this Hon'ble Court about failure of two consecutive dates.

4. Upon perusal of the records, it transpires to this Court that petitioner has very cleverly tried to seek modification on the ground that O.P. No.2 has not appeared for different consecutive dates for conciliation, rather, from the order sheet, it transpires that petitioner's bail bond has been cancelled due to his own fault for non-appearance on two consecutive dates and his lawyer has also not placed his case rightly.

5. As such, this Court is of the firm view that there is no need for any modification in the order dated 29.11.2023 passed in Cr. Misc. No. 74936 of 2023. Hence, this modification application is hereby rejected.

(Dr. Anshuman, J)

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