

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33115 of 2025

In
CRIMINAL MISCELLANEOUS No.76543 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Bauaa Paswan @ Koka Kamindra Paswan @ Kamendra Kumar @ Koka Kamindar Paswan S/o- Dukhan Paswan Village- Bind Bochaha Bahapar, W.No-13, Ps- Mohiuddin Nagar, Dist- Samstipur
 2. Birchandra Paswan @ Birchandr Paswan S/o- Dukhan Paswan Village- Bind Bochaha Bahapar, W.No-13, Ps- Mohiuddin Nagar, Dist- Samstipur
 3. Dukhan Paswan S/o- Late Kalo Paswan Village- Bind Bochaha Bahapar, W.No-13, Ps- Mohiuddin Nagar, Dist- Samstipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Adv.
For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present application has been filed for modification of the order dated 14.12.2023 passed in Cr. Misc. No. 76543/2023.

3. Learned counsel appearing on behalf of the petitioners submits that the petitioners were granted anticipatory bail on 14.12.2023 passed in Cr. Misc. No. 76543/2023 with a direction to surrender before the learned Court below within a period of six weeks from today, the petitioners be enlarged on



anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 362 of 2022 and in pursuance of this direction, the petitioner no. 1 and the petitioner no. 3 have surrendered before the learned court below within stipulated time but due to some unavoidable circumstances, the petitioner no. 2 Birchandra Paswan @ Birchandr Paswan could not surrender before the learned Court below within the stipulated time.

4. Learned A.P.P. for the State has submitted that It is the second attempt of modification application filed on behalf of the petitioner no. 2 Birchandra Paswan @ Birchandr Paswan after lapse of more than one and half year. The petitioner no. 2 earlier had also filed for modification of the same order vide order dated 27.03.2024 and in pursuance of the direction of the Hon'ble Court, the petitioner no. 1 who is the brother of the petitioner no. 2 and the petitioner no. 3 who is the father of the petitioner no. 2 have surrendered before the learned court below but the petitioner no. 2 did not surrender and furnish the bail bond within the stipulated time. The said facts shows that the petitioner no. 2 has full and proper knowledge of the order dated 27.03.2024, despite that he could not surrender before the learned court below within the



stipulated time. The petitioner no. 2 despite being granted adequate opportunity by the Hon'ble Court but he failed to furnish the requisite bail bonds within the prescribed period and no satisfactory or legally tenable justification has been advanced in the modification application to explain such non-compliance.

5. Considering the aforesaid facts and circumstances of the case as well as the fact that the reasons mentioned in the modification application are not tenable in the eyes of law, this Court is not inclined to allow the modification application filed on behalf of the petitioner no. 2 Birchandra Paswan @ Birchandr Paswan in connection with Mohiuddin Nagar P.S. Case No. 362 of 2022 pending in the Court of learned Special Judge (Excise-02), Samastipur.

6. Accordingly, the present modification application stands rejected and the petitioner no. 2 Birchandra Paswan @ Birchandr Paswan is directed to surrender to the learned Court below within six weeks from the date of this order and the learned Court below shall consider the prayer of regular bail of the petitioners on the same day without being prejudiced by this order.

(Chandra Prakash Singh, J)

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