

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83258 of 2025

In
CRIMINAL MISCELLANEOUS No.77856 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- MAHILA P.S. District- Siwan

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Daud Arfin S/O Kamrul Arfin R/O Vill -Shivganj, Ward No-07-Narkatiyaganj
P.s.- Shikarpur, Dist.- - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Zeba Noor W/o Daud Arfin, D/o Sarfaraz Ahmad at Present R/o Purana Quila Pokhra, Chamra Mandi, P.O. - Siwan, P.S. - Saray O.P., Distt. - Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manaur Alam, Adv.
For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for
modification of the order dated 17.02.2024 passed in Cr. Misc.
No. 77856 of 2023.

3. Learned counsel appearing on behalf of the
petitioner has submitted that the petitioner was granted
anticipatory bail on 17.02.2024 passed in Cr. Misc. No. 77856
of 2023, subject to the condition as laid down under section
438(2) of the Cr.P.C. with further condition :-

(i) The petitioner is directed to remain



physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

4. Learned counsel for the petitioner seeks modification of the order dated 17.02.2024 passed in Cr. Misc. No. 77856 of 2024 by relaxing/modifying the condition which directs the petitioner to “remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled”. It is further prayed that the petitioner is residing in Bangalore for his livelihood so it is prayed that :

i) The petitioner shall remain present before the learned court below as and when specifically required by the Court and shall remain present physically on such dates as are expressly directed by the Court ; and

ii) On routine/ adjourned dates, the petitioner may appear through his counsel and shall be required to appear physically as and when directed by the learned Subordinate Court.

5. Learned A.P.P. for the state has vehemently



opposed the modification application filed on behalf of the petitioner and submitted that there is no any valid material available on record which shows that the petitioner is working in Bangalore for his livelihood.

6. Considering the aforesaid facts and circumstances of the case and finding no substance in the contention of the learned counsel for the petitioner, this Court is not inclined to allow the modification application filed on behalf of the petitioner in connection with Siwan Mahila P.S. Case No. 30 of 2023 pending in the court of learned S.D.J.M., Siwan.

7. Accordingly, the present modification application stands rejected.

(Chandra Prakash Singh, J)

Gautam/-

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