

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2270 of 2025

In
CRIMINAL MISCELLANEOUS No.55527 of 2023

Arising Out of PS. Case No.-1052 Year-2019 Thana- COMPLAINT CASE District- Supaul

Md Ismail S/O Md. Karimulla R/O Village- Lalganj, P.S- Chhatapur, Distt.-
Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Praveen W/O Md. Ismal, D/O Md. Jamil R/O Village at present,
Belaedha, Ward No. 09, P.S- Kishanpur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta
For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 28-07-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for Opposite Party No. 2.

2. The present application has been filed for
modification of the order dated 11.01.2024 passed in Cr. Misc.
No. 55527 of 2023, whereby the petitioner was granted the
privilege of anticipatory bail subject to the condition contained
in paragraph 7 of the said order requiring the petitioner to file an
affidavit before the learned court below stating that Opposite
Party No. 2 is living with the petitioner.

3. It is submitted on behalf of the petitioner that
despite his readiness and willingness to keep Opposite Party No.
2 with full dignity and honour, she has not resumed cohabitation



with the petitioner. It is further submitted that compliance with the aforesaid condition is beyond the petitioner's control, as cohabitation depends upon the willingness of both parties.

4. Having considered the submissions and the materials available on record, this Court finds that the condition contained in paragraph 7 of the order dated 11.01.2024 has become incapable of compliance for reasons not attributable to the petitioner. The continuance of such a condition would, therefore, serve no useful purpose.

5. Accordingly, the modification application is allowed. The condition contained in paragraph 7 of the order dated 11.01.2024 passed in Cr. Misc. No. 55527 of 2023 is hereby deleted.

6. All other terms and conditions of the order dated 11.01.2024 shall remain unaltered.

(Sandeep Kumar, J)

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