

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35283 of 2016

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Md. Hasim, Son of Masar Ali, R/o Village-Milky, P.S. - Amour, District-
Purnea. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Nityanand, APP-114

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 28-09-2016

This application has been filed for modification of the order dated 20.07.2016 passed in Cr. Misc. No. 24231 of 2016 whereby the time granted to the petitioner to surrender before the court below vide order dated 12.04.2016 was extended by further three weeks. A plea has been taken by the petitioner that when he surrendered before the court, the court refused to entertain his bail application.

Having noticed such submission made by the learned counsel for the petitioner, this Court had called for a report from the learned A.C.J.M.-VI, Purnea as to why the order dated 20.07.2016 passed by this Court in Cr. Misc. No. 24231 of 2016 was not complied with. In compliance with the aforesaid

order, the learned A.C.J.M.-VI, Purnea has submitted his report dated 27.08.2016, wherein it has categorically been stated that the petitioner had not surrendered before the court pursuant to the order passed by this Court and, hence, there was no occasion for the court to refuse to entertain his bail application.

On query, learned counsel for the petitioner has failed to show any document in support of the submission that the petitioner had filed application before the court and had offered to furnish bail bond in compliance with the order dated 20.07.2016.

Apparently, the petitioner seems to have not instructed his counsel properly, as a result of which, an erroneous submission has been made before the court, which led to calling for a report from the A.C.J.M.-VI, Purnea.

In that view of the matter, I see no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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