IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46848 of 2016

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Umesh Yadav, son of Sri Chandeshwar Yadav, Resident of Village- Rikhai Tola, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar No 13, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 21-12-2016 Heard both sides.

The petitioner filed this petition for modification of order dated 17.05.2016 passed in Cr. Misc. 17171/2016. The petitioner was granted anticipatory bail vide order dated 17.05.2016 in Cr. Misc. 17171/2016 and petitioner was directed to surrender in the court below within four weeks from the date of receipt/production of a copy of this order, but the petitioner did not surrender within the stipulated time.

Learned counsel for the petitioner submits that petitioner was accused in Dulhin Bazar P.S. Case No. 207/2015 and he was not granted bail in the aforesaid case that is why the petitioner did not surrender in the court. Now, the petitioner has already been granted anticipatory bail in Dulhin Bazar P.S. Case no. 207/2015

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registered under Sections 364 and 34 of the Indian Penal Code. Later on Sections 302 and 201 of the Indian Penal Code were added and therefore, the period for surrender of the petitioner in the court below be extended in Dulhin Bazar P.S. Case No. 207/2015. The period of surrender of the petitioner had expired and he got extension of time in the aforesaid case. Therefore, the period of surrender may be extended in this case also.

Having considered the aforesaid facts, I find that this is culpable instance of the petitioner that inspite of getting anticipatory bail, the petitioner avoided to appear in the court for more than five months, therefore, I do not feel inclined to extend the period of surrender of the petitioner in the court below, accordingly, modification petition is dismissed.

If the petitioner surrenders in the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that the petitioner was granted anticipatory bail on merit of the case and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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