

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48524 of 2016

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Guddu Singh @ Ishwar Chand Vidayasagar, son of late Tanik Singh alias Dara Singh, resident of village- Berhra, P.S.- Barh, District- Patna at present residing at Mohalla- Nath Chak, Naya Tola, Near western Railway Cabin Barh, P.S.- Barh, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate.

For the State : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-11-2016 Heard learned counsel for the petitioner and learned counsel for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed for modification of the order dated 25.5.2016 passed in Cr. Misc. No. 21608 of 2016 whereby pre-arrest bail was granted to him in the event of his arrest or surrender within six weeks. The petitioner did not appear before the court within the time stipulated by this Court.

It is contended by the learned counsel for the petitioner that the petitioner is a differently abled man and due to the disability he could not appear before the court in time. The contention of the petitioner for not appearing before the court below in time cannot be accepted. In Cr. Misc. No. 21608 of

2016, apart from the petitioner, one Santosh Singh had also been granted pre-arrest bail. Said Santosh Singh is full brother of the petitioner. It has been stated that in obedience of the order passed by this Court, he appeared before the court below within the time and furnished bail bond. The residence of the petitioner is located at a distance of hardly 5 km from the court.

In that view of the matter, I see no reason to modify the order dated 25.5.2016 passed in Cr. Misc. No. 21608 of 2016.

Accordingly, the application stands dismissed.

If the petitioner appears before the court below within two weeks' from today and pray for bail, the court below may consider his application favourably taking into consideration the fact that this Court had earlier allowed his application for pre-arrest bail which he could not avail due to his own fault.

(Ashwani Kumar Singh, J)

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