

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56872 of 2015

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1. Aditya Kumar @ Aaditya Kumar S/o Deep Narayan Mishra, resident of House No. 232, Amar Chhatauni, P.S. Chhatauni, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Richa Bhardwaj D/o Sri Niwas Pathak, W/o Aditya Kumar, residing at Muhalla- Teliya Patti, P.S.- Motihari Town, Dist- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 13-01-2016

Heard.

This petition has been filed for extension of time to surrender before the learned Sub-divisional Judicial Magistrate, Sadar, Motihari in connection with Motihari Town P.S. Case No. 529 of 2014 in the light of the order dated 28.07.2015 passed in Criminal Misc. No. 47858 of 2014.

Learned counsel for the petitioner submits that the petitioner was directed by this Court vide order dated 28.07.2015 passed in Criminal Misc. No. 47858 of 2014 to surrender before the court of the learned Sub-divisional Judicial Magistrate, Sadar, Motihari within six weeks from the date of passing of order dated 28.07.2015 and further more the concerned



Court was directed to consider the regular bail application of the petitioner, if regular bail petition is filed on behalf of the petitioner, on its own merit and further more if any proposal for settlement is made, the concerned court shall take appropriate steps to resolve the dispute of the parties within one month and in that period, the petitioner shall not be taken into custody. It is further pointed out by the petitioner that in the light of the aforesaid order, petitioner surrendered before the Incharge court but the concerned Incharge court refused to take surrender of the petitioner and passed an appropriate order on regular bail petition of the petitioner on the ground that the regular court was lying vacant and subsequently, whenever petitioner made approach to the concerned court, the same reply was given and in the meantime, the period for surrender as fixed by this Court expired. It is further submitted that a Misc. petition was filed by the petitioner before the learned Sessions Judge, Motihari, mentioning all the aforesaid facts and, therefore, in the aforesaid circumstance, the petitioner seeks further more time to surrender before the court concerned.

In view of the aforesaid submissions as well as facts and circumstances of the case, petitioner is directed to surrender before the court of the learned Sub-divisional Judicial

Magistrate, Sadar, Motihari/concerned court in connection with Motihari Town P.S. Case no. 529 of 2014 within six weeks from today and if petitioner does so, the concerned court shall proceed in the light of the order dated 28.07.2015 passed in Criminal Misc. No. 47858 of 2014.

In the aforesaid manner, this modification petition stands disposed of with modification in the order dated 28.07.2015 passed in Criminal Misc. No. 47858 of 2014 to the extent as stated above.

(Hemant Kumar Srivastava, J)

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