

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49147 of 2016

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Aftab Alam @ Md. Aftab Alam, son of Satar Khan, resident of Mohalla-
Collamandi, Police Station- Raipur, District- Raipur, State- Chhatisgarh.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.
For the State : Mr. Madhuranand Jha, 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 26.8.2015 passed in Cr. Misc. No. 14795 of 2015 whereby in the event of arrest or surrender before the court below within six weeks, the petitioner was directed to be released. The petitioner failed to appear before the court below within the stipulated period of six weeks. The instant application has been filed after more than a year on the ground that the petitioner being a truck driver, was not informed about the order by his counsel in time. It is also contended that the petitioner is a resident of Chhatisgarh and due to some unavoidable reasons, he could not contact his counsel. On these grounds, a prayer has been made

that the period of six weeks granted by this Court vide order dated 26.8.2015, be extended for a further period of few weeks.

Having heard learned counsel for the parties and perused the record, I am not convinced with the submissions so made by the petitioner.

If an accused is not vigilant about the status of his case, the Court would not modify its order as and when the accused choses to appear before the Court. The application for modification has been filed after a long delay of over one year.

In that view of the matter, I see no reason to modify the order dated 26.8.2015 passed by this Court in Cr. Misc. No. 14795 of 2015. Accordingly, the application is dismissed.

In case, the petitioner appears and prays for bail, the court may consider the fact that this Court had granted him pre-arrest bail.

(Ashwani Kumar Singh, J)

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