

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16918 of 2016

Arising Out of PS.Case No. -488 Year- 2010 Thana -FORBESGANJ District- BUXAR

Rakesh Kumar @ Rakesh Kumar Sahani Son of Shambhu Sahani, Resident of Village - Mallah Tola, P.O. - Nazirpachdevera, P.S. - Karanda, District - Gazipur (U.P.)

.... Petitioner

Versus

1. The State of Bihar.
2. Halchal Prasad, Son of Late Basudeo Prasad, Resident of Village - Noniapura, P.S. - Krishna Baraham, District - Buxar.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Jagdish Prasad, Advocate.
For the Opposite Parties : Mr. Ashok Kumar(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-07-2016 Heard both sides.

The petitioner has been granted provisional bail for four months vide order dated 16.05.2014 passed in Cr. Misc. No. 54257 of 2013 and the petitioner filed this petition for modification for extension of period to surrender before the court below.

Mr. Jagdish Prasad, learned counsel for the petitioner submits that the petitioner was granted provisional bail for four months. The petitioner is a military man. He was posted in Jammu & Kashmir on border and that is why he could surrender and got provisional bail for reconciliation of the matter. One more chance be given.



The petitioner was granted provisional bail for four months for reconciliation and with direction to surrender in the court below to get bail within four weeks vide order dated 16.05.2014 passed in Cr. Misc. No. 54257 of 2013, but the petitioner did not surrender in the court below within time of four weeks nor the petitioner filed any petition for extension of time for his surrender in court below on account of his duty on border in Jammu & Kashmir. The petitioner filed the petition for extension of time only on 18.04.2016 i.e. only after two years of the order dated i.e. 16.05.2014. No plausible explanation is given in the petition of his non-appearance for two years. The reason that he did not get time is not acceptable as even a military man who is on active duty may get leave twice in a year.

Considering the facts aforesaid, I am not inclined to extend the period. Accordingly, the petition is dismissed.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--