

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3126 of 2017

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Yogesh Kumar, S/o Late Baijnath Singh, R/o Village- Main Road Marai
Hazipur, P.S.- Vaishali Sadar, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Suraj Samdarshi, S/o Jagganath Jha, Resident of Buddha Colony, Near
Maa Bhagwati Travels, East Boring Canal Road, P.S.- Buddha Colony,
Dist.- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar Panday
For the Opposite Party/s : Mr. Manoj Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

3 01-03-2017 This petition has been listed on the basis of mentioning
slip filed on behalf of the petitioner though this modification
petition has already been disposed of vide order dated 15.02.2017.

Learned counsel appearing for the petitioner submits
that this modification petition was filed for extension of time to
deposit the amount as directed by this court vide order dated
08.11.2016 passed in Cr. Misc. No. 43932 of 2016 but petitioner
could not surrender in time before the court below and that is why
the order dated 15.02.2017 passed in modification petition should
be modified to this extent that petitioner be given four weeks time
to surrender before the court below.

Perusal of modification petition goes to show that only



prayer for extension of time to deposit the amount in question had been sought in the modification petition and no time was sought to surrender before the court below and, therefore, in the aforesaid circumstance, the aforesaid prayer of the petitioner cannot be allowed in this modification petition. However, petitioner may file a fresh modification petition for extension of time to surrender. The aforesaid petition must be filed within two weeks.

There is no need to list this matter again.

(Hemant Kumar Srivastava, J)

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