

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1707 of 2017

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1. Dil Mohammad, S/o Wokil Ahmad, R/o Fulwar Chithan, P.S. Banjaria,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 15-02-2017 Heard both sides.

The petitioner has filed this petition to modify the order 30.07.2015 passed in Cr. Misc. No. 31099 of 2015 and to extend the period of surrender of the petitioner in the court below by two weeks from today.

Shri Patanjali Rishi, the learned counsel for the petitioner, submits that petitioner along with one Mukhtar Mian filed anticipatory bail petition vide Cr. Misc. No. 31099 of 2015 and he was granted anticipatory bail vide order dated 30.07.2015 but the petitioner could not surrender within four weeks from the date of order aforesaid as the petitioner was away from the country and he was not informed about grant of anticipatory bail but I find that the reasons stated in the petition are not acceptable at all.



The petitioner was granted anticipatory bail on 30.07.2015 but he did not surrender in the court below for about one and half year. The petitioner filed this petition for modification of the order only on 17.01.2017, therefore, I do not find any reason to extend the period of surrender of the petitioner in the court below.

Accordingly, the modification petition is rejected.

However, it is made clear that if the petitioner surrenders in the court below, i.e. the learned Chief Judicial Magistrate, East Champaran at Motihari in Turkaulia (Banjaria) P.S. case No. 407 of 2014, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that other accused persons have already been granted regular bail.

(Prabhat Kumar Jha, J)

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