

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21952 of 2017

Arising Out of PS.Case No. -711 Year- 2009 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Kanhaiya Kumar Son of Late Ram Naresh Rai Resident of Village - Rani
3, P.S. - Bachhawara, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Informant : Mr. Jainendra Kumar

For the Opposite Party/s : Mr. Sri Ajit Kumar (APP-73)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

5 07-09-2017

This application has been filed for modification of order dated 17.05.2011 passed in Cr. Misc. No. 2632/2010, wherein, the petitioner was ordered to be released on bail in the event of his arrest or surrender within a period of one month from the date of receipt/production of a copy of the order on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Learned counsel for the petitioner submits that the order dated 17.05.2011 passed in Cr. Misc. No. 2632/2010, whereby the petitioner was allowed pre-arrest bail, was not received in the court of Chief Judicial Magistrate, Begusarai in connection with Complaint Case No. 711C of 2009. Therefore, the petitioner could not surrender in the court below during the prescribed period. The said order is not



received till today, which would appear from Annexure-A, the certified copy of order sheets of Complaint Case No. 711C/2009 to the supplementary affidavit.

On perusal of record of Cr. Misc. No. 2632/2010, it appears that, vide order dated 17.05.2011 passed by this Court, the petitioner has ordered to be released on bail in the event of arrest or surrender before the court below within the period of one month of receipt/production of the copy of the order but the order sheets of Complaint Case No. 711C of 2009, which is Annexure-A, shows that the aforesaid order has not been received in the court below.

Under the aforesaid facts and circumstances, the period for surrender of the petitioner before the court below is extended for further four weeks from today. Accordingly, the order dated 17.05.2011 passed in Cr. Misc. No. 2632/2010 is modified to the extent and this application is disposed of.

Let a copy of this order and the order dated 17.05.2011 passed in Cr. Misc. No. 2632/2010 be communicated to the court concerned immediately.

(Rajendra Kumar Mishra, J.)

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