

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35382 of 2017

Arising Out of PS. Case No.- 93 Year- 2015 Thana- Nawada Comp. Case District- Nawada

Devnandan Prasad Yadav @ Devnandan Prasad S/o Late Bhatsu Yadav @
Bhattu Prasad, Resident of Village- Maya Bigha, P.S.- Kadirganj, District-
Nawada.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anamika Kumari, W/o- Barun Kumar Yadav, D/o- Shiv Shankar Yadav,
Resident of Upwara, P.S.- Kashichak, District- Nawada.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 13-09-2017 Heard Sri Praveen Kumar, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The present petition has been filed with a prayer to
modify order dated 13-12-2016 passed in Cr. Misc. No. 47772
of 2016 to the extent of extending the date for surrender.

By order dated 13-12-2016, while extending the
privilege of anticipatory bail, this Court had observed that in the
event of arrest or surrender within a period of six weeks, the
petitioner shall be released on bail.

By way of filing present petition, it has been
indicated that pursuant to the said order, one of the accused
namely Jaymanti Devi had already surrendered within time, but



due to the reason, which was beyond the control of the petitioner, he could not surrender.

The Court is of the opinion that once a final order was passed in anticipatory bail petition, such modification may amount to review or recall of the earlier order, which is prohibited under Section 362 of the Code of Criminal Procedure, 1973.

Accordingly, the petition stands dismissed.

(Rakesh Kumar, J.)

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