

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.29141 of 2018**

**In**

**Criminal Miscellaneous No.22089 of 2016**

Arising Out of PS. Case No.- Year- Thana- District- Katihar

Bindeshwari Sharma, S/o Late Kunai Sharma, Resident of Village- Rahta, P.S. Falka, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Sri Satyavarat Verma

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2     20-06-2018                      The petitioner had earlier preferred an application for anticipatory bail vide Cr. Misc. No. 25576 of 2014. A Bench of this Court, vide order dated 15.09.2014 did not grant anticipatory bail to the petitioner but directed him to, if so advised, move before the learned Magistrate 1<sup>st</sup> Class, Katihar who would pass an order in view of the direction given by the Hon'ble Supreme Court of India in case of ***Arnesh Kumar vs. State of Bihar & Anr.,*** reported in ***2014 (3)PLJR 314(SC).***

Pursuant to the aforesaid order, the petitioner surrendered before the court below but his application was not accepted.

According to the learned counsel for the



petitioner, the court below wanted a specific order/direction for the petitioner to surrender before the court.

Aggrieved by that order of the learned court below, the petitioner again preferred an application before this Court vide Cr. Misc. No. 22089 of 2016. Another Bench of this Court vide order dated 19.05.2016, holding the application for anticipatory bail to be not maintainable, directed the petitioner to surrender before the court below within three weeks from the date of the receipt of the order upon which the court below was directed to pass an appropriate order in accordance with law.

The petitioner could not surrender within the aforesaid period of three weeks after the passing of the order on 19.05.2016.

A modification application has been filed seeking extension of time for the petitioner to surrender before the court below.

In the opinion of this Court, there is no requirement of any modification of the order. The petitioner, if so advised, can surrender before the court below and it would be incumbent upon the court below to pass necessary orders in accordance with law.

No order/direction is required to be passed in the present petition.



The petition is thus disposed of.

(Ashutosh Kumar, J)

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