

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28599 of 2018

Arising Out of PS.Case No. -180 Year- 2017 Thana -KARPI District- JEHANABAD

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Lalan Pandit S/o Late Yugeshwar Pandit, R/o Vill.- Murari, P.S.- Karpi,
District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Reyaz Sheikh S/o Late Vashiruddin Sheikh, R/o Vill.- Murari, P.S.-
Karpi, District- Arwal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 31-10-2018 This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for modification of the order dated 17.02.2018 passed in Cr.Misc. No. 9320 of 2018 whereby the petitioner was granted pre-arrest bail in the event of arrest or surrender before the court below within six weeks from the date of the order.

It is submitted by the learned counsel for the petitioner that since the petitioner could not arrange two sureties of the like amount each as directed by the Court in his favour within the stipulated period of six weeks and no family member was ready to stand as bailor, he could not surrender within the stipulated time. It is further contended that there is no deliberate laches on the part of the petitioner and now the sureties are ready and the petitioner is



willing to furnish bond as directed by this Court.

Learned counsel for the State opposed the prayer of the petitioner. He contended that it is a case of deliberate and willful non-compliance of the order. He contended that if there was any difficulty in furnishing sureties and bond as directed by this Court, the petitioner should have approached this Court within the time in order to enable him to seek modification of the order dated 17.02.2018 passed in Cr.Misc. No. 9320 of 2018.

I find substance in the submission of learned counsel for the State.

In my considered opinion, no case for modification of the order dated 17.02.2018 passed in Cr.Misc. No. 9320 of 2018 is made out. The application is rejected.

However, in case, the petitioner surrenders within three weeks from today and pray for bail, the jurisdictional Magistrate shall consider the same keeping in mind the fact that his case was found fit for grant of pre-arrest bail by this Court.

(Ashwani Kumar Singh, J)

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