

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31849 of 2018

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Ranjit Kumar S/o Janeshwar Ram, resident of village Dhandhahan, P.S.
Chauri, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Adv.

For the Opposite Party/s : Mr. Dr. Rabindra 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 27.02.2018 passed in Cr.Misc. No. 11674 of 2018 whereby the petitioner was granted pre-arrest bail.

The operative part of the order dated 27.02.2018 passed in Cr.Misc. No. 11674 of 2018 reads as under :-

“Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur in connection with Ara Nawada P.S. Case No.348 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.”

It is contended by the learned counsel for the petitioner



that as the petitioner was indisposed he could not appear before the court and furnish bond and sureties within the stipulated period of six weeks from the date of order. He urged that the delay caused in appearing before the court was neither deliberate nor willful, but it occurred because of compelling circumstances.

On the other hand, learned counsel for the State submitted that no case for extension of time in order to enable the petitioner to furnish bail bond and sureties is made out. He contended that the petitioner did not approach this Court within the stipulated period for extension of time. He has filed this petition after lapse of about three months and the plea of ailment is a mere excuse for modification of the order.

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

No case for modification of the order dated 27.02.2018 passed in Cr.Misc. No. 11674 of 2018 is made out. The application is dismissed.

However, in case, the petitioner surrenders and prays for bail, the jurisdictional Magistrate shall dispose of the same keeping in mind that this Court had found the case of the petitioner fit for grant of pre-arrest bail.

(Ashwani Kumar Singh, J)

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