

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38893 of 2018

In
Criminal Miscellaneous No.20746 of 2016

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

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Dharm Chandan Rajak S/o Late Ram Kishore Rajak @ Ram Kishun Rajak,
R/o Vill.- Kedar Nath Memorial Path Jasidih, P.S.- Jasidih, District- Deoghar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajendra Prasad S/o Bhola Ram Rajak, R/o Patel Nagar, Girihinda, P.O.-
Sheikhpura, P.S.- Sheikhpura, District- Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-09-2018 Heard Mr. Ajay Mukherjee, the learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

The petitioner has filed this petition for modification
of the order dated 19.05.2016, passed in Cr. Misc. No.20746 of
2016 and for extension of the period of his surrender in the court
below in pursuance of the aforesaid order.

The learned counsel for the petitioner submits that the
petitioner was granted anticipatory bail vide order dated
19.05.2016 on his undertaking to pay the entire amount that is
Rs.1,27,000/- in three equal monthly installments but the
petitioner could not surrender in the court below. It is submitted



that prior to grant of anticipatory bail, the petitioner was suspended and, therefore, the petitioner was not in a position to deposit the money. It is further submitted that the petitioner was apprehended in another case and he was in jail since 16.08.2017 to 25.04.2018 and on such ground the period for surrender of the petitioner in the court below in pursuance of the order dated 19.05.2016 be extended but I find no reason to extend the period for surrender of the petitioner. The petitioner was granted anticipatory bail on his undertaking to deposit Rs.1,27,000/- in three monthly equal installments but the petitioner did not surrender for more than 2½ years. The petitioner was suspended much before the date of grant of his anticipatory bail by this Court on 19.05.2016. The petitioner was also apprehended in another criminal case and remanded in jail for more than six months.

Taking into consideration the aforesaid facts, I do not find any merit in this modification petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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