

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4303 of 2018

In
Criminal Miscellaneous No.1732 of 2017

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

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Pramod Kumar, Roy Son of Late Pitambar Roy, Resident of village-
Kathuwar, P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Bilash Roy Raman, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The present application has been filed for modification of
the order dated 25.01.2017, passed in Criminal Miscellaneous
No. 1732 of 2017.

This is fifth attempt on behalf of the petitioner either for
anticipatory bail or for modification. Initially, the petitioner was
granted anticipatory bail on 27.06.2014, passed in Criminal
Miscellaneous No. 9643 of 2014, as contained in Annexure-1,
in a case registered for the offences punishable under Section
409 of the I.P.C. on the undertaking of the petitioner that he will
explain the expenditure against the entire withdrawal made by
him and in the event of failure to explain the expenditure, the



privilege of anticipatory bail was directed to be treated as cancelled. Thereafter, the petitioner preferred second application being Criminal Miscellaneous No.15324 of 2015 with a prayer for anticipatory bail. The said application was disposed of vide order dated 15.04.2015, as contained in Annexure-2, with observation that this Court is not inclined to grant anticipatory bail to the petition, but if the petitioner deposits the amount for which expenditure receipt has not been submitted then learned Court below will consider the regular bail of the petitioner, if the petitioner surrenders within a period of six weeks. Thereafter, the petitioner renewed the prayer for anticipatory bail third time by filing Criminal Miscellaneous No. 48788 of 2015, as contained in Annexure-5, which was disposed of vide order dated 30.11.2016, by holding that this Court is not inclined to entertain the third anticipatory bail application, however, extended the period of surrender by four weeks. Thereafter, again fourth time Criminal Miscellaneous No. 1732 of 2017 was preferred for modification of the order dated 30.11.2016, passed in Criminal Miscellaneous No. 48788 of 2015 with a confined prayer for extending the period of surrender. Consequently, this Court, vide order dated 25.01.2017, extended the period of surrender for three weeks



from the date of receipt/production of the copy of this order, and while doing so, this Court also observed that any further modification application shall not be entertained henceforth. Yet again, the present modification has been preferred by the petitioner on the ground that the amount has been deposited.

Learned Counsel for the petitioner confines his prayer only to the extent of extending the period of surrender.

Keeping in view the interest of justice, this Court reluctantly extends the period of surrender for further two weeks from the date of receipt/production of a copy of this order in connection with Nauhatta P.S. Case No.119 of 2013, pending before the learned CJM, Saharsa

It is made clear that the rest terms and conditions will remain same as incorporated in the initial order.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

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