IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44981 of 2018
In
Criminal Miscellaneous No.22134 of 2018

Arising Out of PS. Case No.232 Year-2017 Thana- Sarai Ranjan District- Samastipur

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Raju Rai son of Late Lakhpati Rai, resident of village- Rasalpur, P.S.-Sarai Ranjan, District- Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Pandey, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner. No one appear on behalf of the State.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for modification of the order dated 26.04.2018 passed in Cr. Misc. No.22134 of 2018 by which the application for grant of pre-arrest bail of the petitoiner was allowed.

Learned counsel for the petitioner submits that while granting pre-arrest bail to the petitioner it was observed that in the event of arrest or surrender in the court below within six weeks, the petitioner shall be released on bail on furnishing bail

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bond of rupees ten thousand with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur. However, due to old age the petitioner could not appear before the court within the stipulated period of six weeks. He further contended that the period of six weeks as granted vide order dated 26.04.2018 for surrender in order to furnish bonds and sureties be extended by further two weeks.

It would be evident from the record that the petitioner along with two others had moved for grant of pre-arrest bail in Cr. Misc. No.22134 of 2018. The period of six weeks granted by this Court vide order dated 26.04.2018 passed in the said case lapsed in second week of June, 2018. No application was filed by the petitioner prior to expiry of time granted by the Court for extension of period for the purpose of surrender in order to furnish bonds and sureties. The instant application was filed belatedly by the petitioner on 24.07.2018 when the period granted for surrender in order to furnish bonds and sureties had already expired.

In that view of the matter, I am not inclined to modify the order. The application is dismissed.

In case, the petitioner appears in the court below and seeks bail within two weeks from today, the court below shall

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consider the same favourably keeping in mind that this Court had found the case of the petitoner fit for grant of pre-arrest bail.

(Ashwani Kumar Singh, J)

Md. S./-

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