

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17295 of 2019

Arising Out of PS. Case No.-198 Year-2018 Thana- AGAMKUAN District- Patna

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Mukesh Kumar @ Amrit Singh, Son of late Mundrika Singh, Resident of
Mohalla- Mahatma Gandhi Nagar Sheo Mandir, P.S.- Agamkuan, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Krishna Prasad Yadav, Advocate.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 16-05-2019

Petitioner has filed this petition under Section 482

Cr.P.C. for quashing of the order dated 23.08.2018 passed by
Additional Sessions Judge-VI, Patna City, Patna passed in
A.B.P. No. 3093 of 2018 whereby the learned lower court
rejected the prayer for extension of period of surrender by the
petitioner.

It is submitted by learned counsel for the petitioner
that vide order dated 19.05.2018 petitioner was granted
anticipatory bail by the learned lower court with direction to
surrender before the court below within 15 days from the date of
communication of the order, but as the wife of the petitioner was
seriously ill and the petitioner was busy in prolonged illness of
his wife, he could not surrender before the learned lower court



within the stipulated period. For extension of period of surrender, he had filed a petition but the same was rejected by the learned lower court vide order dated 23.08.2018. Petitioner may be granted some time to enable him to surrender before the court below and avail the privilege of the anticipatory bail granted to him by the learned lower court.

Learned APP for the State opposed this quashing petition.

From perusal of the record, it appears that vide order dated 19.05.2018 the petitioner was granted anticipatory bail by the learned lower court with direction to surrender before the court below within 15 days from the date of communication of the order, but petitioner did not surrender before the court below within the stipulated period and filed a petition for extension of period of surrender, but the same was rejected by the court below vide impugned order. Petitioner has assigned the reason for not surrendering before the court below within the stipulated period and subsequent thereto till filing of the extension petition.

Having regard to the facts and circumstances of the case and being satisfied with the reasons assigned by the petitioner and in the interest of justice, aforesaid order dated



23.08.2018 passed by the court below is set aside and the petitioner is directed to surrender before the court below within four weeks from today. Accordingly, this quashing petition is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.05.2019
Transmission Date	18.05.2019

