

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70069 of 2018

In
Criminal Miscellaneous No.41344 of 2015

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

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1. Hardeo Prasad Singh, son of late Jagdish Singh
 2. Anil Prasad Singh @ Anil @ Anil Singh
 3. Bipin Kumar Singh @ Bipin @ Bipin Singh.
 4. Bimal Kumar Singh @ Bimal @ Bimal Singh, Petitioners no. 2 to 4 are sons of late Jwala Singh. All are resident of village Rauta, P.S. Saurbazar, District Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 20-02-2019 Heard Mr. Ashok Kumar Mishra, learned counsel for the petitioners and learned counsel for the State.

This petition is filed for modification of order dated 07.12.2015 passed in Cr. Misc. No.41344 of 2015 and to extend the period of surrender of the petitioners in the court below in pursuance of the aforesaid order.

Learned counsel for the petitioners submits that petitioners were granted anticipatory bail vide order dated 07.12.2015 passed in Cr. Misc. No.41344 of 2015 but the same



order was not communicated to the petitioners on account of unavoidable reasons. It is submitted that Advocate Clerk was suffering from lungs infection during the period when the petitioners were granted anticipatory bail and on account of such illness, the Advocate Clerk could not inform the petitioners about the order passed on 07.12.2015 granting them to bail and thereafter when the police mounted pressure to arrest the petitioners, the petitioners contacted their learned lawyer and came to know about the order dated 07.12.2015. It is submitted that since the petitioners have already been enlarged on anticipatory bail, the period of their surrender may be extended but I find that the reason is not at all convincing. The petitioners filed their anticipatory bail putting their signatures on the power. They got interim protection and by the order dated 07.12.2015, the petitioners were granted anticipatory bail but the petitioners did not surrender in the court below in pursuance of the order aforesaid and kept mum for about three years as the petition for modification of the order dated 07.12.2015 is filed only on 06.11.2018. Thus, on account of such gross negligence and unmindful the order of the Court, the petitioners did not surrender.

Taking into consideration the facts aforesaid, I do not



find the case fit for indulgence and to extend the period of
surrender. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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