

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47228 of 2018

In
Criminal Miscellaneous No.18456 of 2018

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

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Md. Kaishar Emam @ Md. Kaishar Alam, Son of Md. Jubair Anasari,
Resident of Village- Makhdumchak, P.S.- Sigori, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-01-2019 Heard learned counsel for the petitioner and learned
counsel for 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 06.04.2018 passed in Cr. Misc. No. 18456 of 2018 whereby the petitioner was granted six weeks time in order to surrender and furnish bail bond with sureties to the satisfaction of the learned ACJM-V, Danapur, Patna in connection with Sigori P.S. Case No. 104 of 2017.

Learned counsel for the petitioner submitted that the petitioner could not surrender before the court below within six weeks as he had sustained injury in his left leg in an accident and the doctor, who treated him, had advised for complete bed



rest for two months.

Neither any medical certificate nor any prescription of doctor has been brought on record. The prayer for extension of time was also not made within the period granted by this Court for appearance before the court for furnishing bail bond and sureties. It appears that there is no bonafide on the part of the petitioner in his claim that he sustained injury in his leg as a result of which he could not surrender within time.

In that view of the matter, I am not inclined to modify the order dated 06.04.2018 passed in Cr. Misc. No. 18456 of 2018. The application is dismissed.

In case the petitioner surrenders and seeks bail, the court below shall consider the same keeping in mind that this court had found his case fit for grant of pre-arrest bail.

(Ashwani Kumar Singh, J)

pradeep/sneha

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