

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54196 of 2019

In
CRIMINAL MISCELLANEOUS No.29326 of 2019

Arising Out of PS. Case No.-403 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

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AMIT KUMAR Son of Sri Arjun Singh @ Arjun Sharma Resident of Village
- Sabdalpur, P.S.- Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jogendra Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-09-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. This application has been filed for modification of the
order dated 03.05.2019 passed in Cr. Misc. No. 29326 of 2019.

3. Learned counsel for the petitioner submits that by order
dated 03.05.2019 passed in Cr. Misc. No. 29326 of 2019 provisional
anticipatory bail had been granted to the petitioner upon arrest or
surrender within four weeks thereof. Before expiry of the stipulated
period aforesaid, however, the petitioner fell ill and remained under
treatment for Hepatitis until he was declared fit on 02.07.2019. As
such he could not surrender and furnish bail bond within the
stipulated period. After the petitioner recovered from his illness, he
filed I.A. No. 1/2019 on 11.07.2019 for extension of time for surrender.
It would appear however, that no specific order granting extension of
time was passed, rather by order dated 25.07.2019, the provisional



anticipatory bail stood confirmed.

4. Learned counsel for the petitioner expresses that the learned Court below is not accepting the petitioner's surrender and bail bond after expiry of the stipulated time in terms of the provisional bail order, which stood subsequently confirmed without extension of time. As such, a prayer has been made over again for enhancing the period for surrender by modification of the aforesaid order dated 03.05.2019.

5. This Court is of the view that the grant of provisional anticipatory bail in terms of order dated 03.05.2019 of which modification is sought, now stands confirmed in terms of subsequent order dated 25.07.2019 and the same therefore, cannot be modified.

6. In the above view of the matter, the petition stands disposed of with the observation that if the petitioner surrenders and seeks regular bail before the learned Court below within a period of four weeks hereof, the same shall be considered and disposed of on its own merits and having regard to the fact that this Court had found the case of the petitioner to be a fit one for grant of anticipatory bail.

(Vikash Jain, J)

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