

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8079 of 2020

In
CRIMINAL MISCELLANEOUS No.37576 of 2014

Arising Out of PS. Case No.-98 Year-2014 Thana- SAHARSA District- Saharsa

MANOJ KUMAR SINGH S/o Bhamar Singh Resident of Islamiya Chouk,
Gangjala, Ward No. 15, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-06-2020 Heard Mr. Vivekanand Singh, learned counsel for the

petitioner and Mr. Upendra Kumar, learned A.P.P. for the State

through Video Conferencing.

The petitioner filed this petition for modification of
the order dated 17.03.2015 passed in Cr. Misc. No.37576 of
2014 and to extend the period of surrender of the petitioner.

Mr. Vivekanand Singh, learned counsel for the
petitioner submits that petitioner and other accused persons
were directed to be enlarged on anticipatory bail in the event of
their arrest or surrender within four weeks from the date of
receipt/production of copy of the order but the petitioner did not
surrender. Petitioner had gone outside his house to earn his
livelihood but it appears that petitioner was granted anticipatory



bail on 17.03.2015. The petitioner did not surrender within time and he remained absent for five years. The petitioner filed this petition for modification of order dated 17.03.2015 only on 28.01.2020. Therefore, I find that on account of such unexplained lapses of the petitioner, the period of surrender of the petitioner cannot be extended. The modification petition is dismissed.

If the petitioner surrenders in the court below within four weeks, learned court below shall sympathetically consider the prayer for regular bail of the petitioner on its own merit without being prejudice by the order of this Court taking into consideration the fact that the petitioner was granted anticipatory bail but he could not surrender.

(Prabhat Kumar Jha, J)

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