

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20260 of 2020

Arising Out of PS. Case No.-3539 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Dinesh Kumar Singh S/o Arjun Singh R/o village- Ratanua, Post- Bijauhi,
P.S.- Muffasil, District- Aurangabad

... .. Petitioner

Versus

1. The State Of Bihar
2. Ajay Suman S/o Late Mathura Prasad Singh Resident of Pal Hotel, Budha
Marg, P.S.- Kotwali, Patna

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishor Singh, Adv. Mr. Navjot Yashu, Adv.
For the State	:	Mr. Parmanand Kumar, A.P.P.
For the Informant	:	Mr. Sanjay Kumar, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 24-08-2020 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State as well as learned

counsel of the informant through video conferencing.

Petitioner apprehends his arrest in connection with

Complaint Case No. 3539 C of 2018 registered for the offences

punishable under Sections 406, 420 of the Indian Penal Code

and Section 138 of Negotiable Instrument Act.

Perusal of impugned order goes to show that petitioner

was granted privilege of anticipatory bail with condition that

petitioner shall deposit 20 per cent of the amount in question

with Nazarat, Civil Court, Patna and shall appear before the trial



court on each and every date till final disposal of the case and furthermore, petitioner was directed to surrender before the court below within a period of 15 days from the date of communication of copy of order to the concerned court.

In my view, when the petitioner has already been granted privilege of anticipatory bail under Section 438 of the Cr.P.C., this petition filed under Section 438 of the Cr.P.C. is not maintainable. However, learned counsel of the petitioner submits that period for surrender before the court below may be extended.

In view of the aforesaid facts as well as submissions of the parties, this anticipatory bail petition stands dismissed being not maintainable. However, period for surrender before the court below is extended for further period of 30 days from the date of receipt/production of copy of this order to the court concerned and in the aforesaid manner, impugned order dated 24.01.2020 stands modified to the above stated extent.

(Hemant Kumar Srivastava, J)

shahzad/-

U		T	
---	--	---	--

