

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81763 of 2019

In
CRIMINAL MISCELLANEOUS No.14226 of 2019

Arising Out of PS. Case No.-2120 Year-2015 Thana- COMPLAINT CASE District- Araria

MD. SAMSAD @ MD. SHAMSHAD Son of Late Sk. Jahir @ Jahir Resident
of Village - Bansbari, P.S.- Araria, Distt - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nismat Khatoon D/o Md. Shafique, Wife of Md. Shamshad Resident of
Village - Bansbari, P.S. and Distt - Araria. At present resides at village
Hariyabara, P.S.- Araria (R.S.)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-01-2020 This modification application has been filed for
modification of order dated 26.07.2019 passed in Cr. Misc. No.
14226 of 2019, by which, the application of the petitioner for
grant of anticipatory bail was disposed of with direction to the
petitioner to surrender in the court below on 08.08.2019 and on
his surrender, the court below was directed to release him on
provisional bail on condition that he will furnish the copy of
sale deed executed in favour of opposite party no. 2 and only,
thereafter, his bail bonds would be confirmed.

Submission of learned counsel for the petitioner is
that due to some confusion in interpretation of order, he could



not surrender on the date fixed by this Court, as such, he prayed for modification of order dated 26.07.2019 and for extension of time to surrender in the court below.

Heard learned APP also.

Having heard both sides, considering the facts and circumstances and also the fact that the order has been passed on 26.07.2019 and he was directed to surrender on 08.08.2019 but he has filed the present modification application on 04.11.2019, as such, I am not inclined to modify the order dated 26.07.2019 passed in Cr. Misc. No. 14226 of 2019. However, if petitioner surrenders in the court below and pray for regular bail and produces the sale deed, executed in favour of opposite party no. 2, the court below shall consider the aforesaid aspect of the matter and will pass an appropriate order on the regular bail application of the petitioner, if possible on same day.

Accordingly, this modification application disposed of.

(Vinod Kumar Sinha, J)

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