

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15358 of 2021

In
CRIMINAL MISCELLANEOUS No.72716 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- BHEJA District- Madhubani

MD. SHAMSHAD ALAM Son of Akhtar Resident of Village - Ganeshpur,
P.s.- Marauna, Distt.- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Sujata Kumari Sinha, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-10-2021 Heard learned counsel for the petitioner and Mr. Akbar Ali, learned A.P.P. for the State.

The prayer for anticipatory bail of the petitioner was earlier rejected by this Court vide order dated 18.12.2019 passed in Cr. Misc. No. 72716 of 2019. While rejecting the said prayer this Court had recorded the contention of learned counsel for the petitioner saying that the owner of the vehicle has been granted privilege of anticipatory bail by this Court and there is no material against the petitioner in the case diary. Thereafter this court observed as under:

“ If it is so, in case the petitioner surrenders and prays for regular bail within a period of four weeks from today in the court below, the court below shall consider the submission of the petitioner on the basis of the material which will be available in the case diary and independent view of the same will be taken on the basis of the materials on the record without being prejudiced by the order of this Court.”

Learned counsel for the petitioner submits that after the order was passed by this Court the petitioner could not surrender in the learned court below within a period of four



weeks, and, therefore, he has moved this Court seeking extension of time to surrender.

Learned A.P.P. for the State submits that it is a misconceived application because the petitioner could have surrendered on any day, even after the expiry of the period of four weeks and even after that period if the petitioner would have preferred an application for regular bail on surrender the court below would have considered the same in accordance with law, but instead of doing so, the petitioner has unnecessarily moved this court after a delay of one and half years.

This Court fully agrees with the submissions of learned A.P.P. for the State. There is no reason for the petitioner to move this Court in the present application because the prayer for anticipatory bail has already been rejected. He should have surrendered immediately thereafter and if he has not surrendered so far, it is open for him to surrender immediately and seek his relief in the learned court below in accordance with law.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

