

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27487 of 2021
Arising out of
CRIMINAL MISCELLANEOUS No. 25416 of 2020

Arising Out of PS. Case No.-2038 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Ravi Kumar, aged about 45 years, Male Son of Late Lal Babu Prasad, Resident of Mohalla - Lal Bazar, Nagar Power House Pump, PS District - West Champaran. Presently, C/O Renu Devi (MLA) BJP Awas No.- 11, Daroga Rai Path, Purani Hartalimore, Chauraha, PS- Sachiwalaya, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Kumar, aged about 42 years, Son of Late Dr. Lal Babu, Permanent resident and PO- Hasanpura, PS and District – Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The present application has been filed seeking modification in the judgment and order dated 23.12.2020 passed in Cr. Misc. No. 25416 of 2020.



4. Learned counsel for the petitioner submitted that in terms of the said judgment and order, the petitioner was to appear before the Court below within six weeks from the date of the order and submit a demand draft of Rs. 5 lakhs in favour of the opposite party no. 2. It was submitted that since the petitioner was suffering from COVID-19, he filed a petition before the Court concerned along with a demand draft of Rs. 5 lakhs in favour of the opposite party no. 2 through his learned counsel but the same was not accepted as the Court observed that the petitioner should also surrender and at the same time submit the demand draft. However, on a query of the Court, he submitted that if the Court extends the time for the said exercise, the petitioner shall ensure compliance.

5. Learned APP does not oppose the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that due to *bona fide* and genuine reasons, the direction of this Court in the judgment and order dated 23.12.2020 passed in Cr. Misc. No. 25416 of 2020 could not be complied with.

7. Accordingly, the time granted to the petitioner to surrender before the Court below in the judgment and order dated 23.12.2020 passed in Cr. Misc. No. 25416 of 2020 stands extended by a further period of six weeks from today.



8. The rest of the terms and conditions of the said judgment and order shall remain unchanged.

9. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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