

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35767 of 2021

In
CRIMINAL MISCELLANEOUS No.27006 of 2020

Arising Out of PS. Case No.-401 Year-2013 Thana- GAYA MUFASIL District- Gaya

Devshankar Malakar @ Rahul, S/O Sri Arjun Malakar, R/O Village-Bhadeza,
P.S-Mufassil, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-09-2021 The matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks modification of the order dated
06.11.2020 passed in Cr.Misc. No.27006 of 2020, whereby
though he has been granted anticipatory bail, but could not
surrender within the stipulated period and also prays for
extension of time for surrender in connection with Mufassil P.S.
Case No.401 of 2013 in the court below.

It is submitted by the petitioner's counsel that the
petitioner was not aware of the order passed by this Court when
anticipatory bail was granted by order dated 06.11.2020. It is



further submitted that the said communication gap has occasioned failure to avail of the anticipatory bail order by surrendering within the time granted by this Court. Said communication gap has also occasioned some delay in filing of the application for modification after the period granted for surrender in the court below lapsed. The modification application was also not heard due to COVID-19 pandemic related restrictions. Under such extraordinary situation, prayer is made for extension of time for surrender in the court below.

Having regard to the extraordinary circumstances, this Court, in the interest of justice, should modify the order and grant some more time to the petitioner to avail of the benefit of the order. He submits that much of the delay in filing of this modification application has occurred during the period when the order of the Hon'ble Apex Court in Suo Motu Writ Petition (Civil) No.3 of 2020 had relaxed the requirement of limitations. Since the same was extraordinary circumstances based on COVID-19 pandemic related restrictions, this Court may consider the matter with a view to meet the ends of justice.

Learned APP has appeared through virtual mode.

Considering the aforesaid submissions, this Court, to meet the ends of justice, would grant the petitioner



two weeks' further time from today for surrendering in the court below in compliance of the order dated 06.11.2020 passed in Cr.Misc. No.27006 of 2020.

The order dated 06.11.2020 passed in Cr.Misc. No.27006 of 2020 shall stand modified to the above extent.

The modification application stands allowed.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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