

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31372 of 2021

In
CRIMINAL MISCELLANEOUS No.23815 of 2020

Arising Out of PS. Case No.-405 Year-2019 Thana- JOKIHAT District- Araria

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1. Asheswar Bahardar @ Asheshwar Choudhry, S/O Late Jharilal Choudhry, R/o village- Chakai, Milik Tola, P.S.- Jokihat, District- Araria
 2. Pankaj Choudhry, S/o Asheswar Bahardar @ Asheshwar Choudhry, R/o village- Chakai, Milik Tola, P.S.- Jokihat, District- Araria
 3. Kam Dev Choudhry @ Kandeo Choudhry, S/o Sinheswar Choudhry, R/o village- Chakai, Milik Tola, P.S.- Jokihat, District- Araria
 4. Yashoda Devi @ Sudha Devi, W/o Asheswar Bahardar @ Asheshwar Choudhry, R/o village- Chakai, Milik Tola, P.S.- Jokihat, District- Araria
 5. Miras Chaudhary @ Mirila Choudhary @ Mirilal @ Hiral Choudhary, S/o Late Subai Choudhary, R/o village- Chakai, Milik Tola, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Nand Kumar, 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 petitioners and the learned APP for the State.

The petitioners seek modification of the order dated 09.10.2020 passed in Cr.Misc. No.23815 of 2020, whereby though they have been granted anticipatory bail, but could not surrender within the stipulated period and also pray for



extension of time for surrender in connection with Jokihat P.S.
Case No.405 of 2019 in the court below.

Counsel for the petitioners submits that due to communication gap between the petitioners and their Counsel, and that on account of COVID-19 pandemic related restrictions, the petitioners could not avail of the benefit of the order granting anticipatory bail to them within the stipulated period. Bail was granted having regard to the compromise between the parties. It is further submitted that though some delay has occurred in filing the modification application, the same was also not heard due to several COVID-19 pandemic related restrictions. Having regard to the extraordinary circumstances, this Court, in the interest of justice, should modify the order and grant some more time to the petitioners 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 and in the interest of justice, this Court would grant the petitioners two weeks' further time from today for surrendering in the court below in compliance of the order dated 09.10.2020 passed in Cr.Misc. No.23815 of 2020.

The order dated 09.10.2020 passed in Cr.Misc. No.23815 of 2020 shall stand modified to the above extent.

The modification application stands allowed.

This Court would expect that the petitioners' 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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