

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35782 of 2021

In
CRIMINAL MISCELLANEOUS No.8611 of 2020

Arising Out of PS. Case No.-450 Year-2019 Thana- TEKARI District- Gaya

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1. Mithun Manjhi, Son of Janardan Manjhi, Resident of Village - Ismile Balwapar, P.S.- Tekari, Dist.- Gaya.
 2. Kapil Manjhi, Son of Saryu Manjhi, Resident of Village - Ismile Balwapar, P.S.- Tekari, Dist.- Gaya.
 3. Sheo Nath Manjhi, Son of Bhagat Manjhi, Resident of Village - Ismile Balwapar, P.S.- Tekari, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh 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 petitioners and the learned APP for the State.

The petitioners seek modification of the order dated 03.03.2020 passed in Cr.Misc. No.8611 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 Tekari P.S. Case No.450 of 2019 in the court below.

It is submitted that this Court had passed the



order granting benefit of anticipatory bail to the petitioners with a condition to surrender within a particular time-frame. The said time as per the statement made in the modification application was to lapse on 30.03.2020. Since 23.03.2020 Nationwide lock-down was impending, any movement or communication based on COVID-19 Pandemic was strictly prohibited. Under such circumstances, time granted for surrender lapsed. The petitioners could neither avail of the benefit of anticipatory bail nor could they contact their counsel for filing a petition for modification. The petitioners were working as labourers outside the State, where they were stuck, therefore, they could contact their counsel. It is further submitted that some delay has occurred in filing the modification application due to COVID-19 pandemic related restrictions.

Learned APP has appeared through virtual mode.

Considering the aforesaid submissions, this Court, to meet the ends of justice, would grant the petitioners two weeks' further time from today for surrendering in the court below in compliance of the order dated 03.03.2020 passed in Cr.Misc. No.8611 of 2020, with a condition that the petitioners would be required to be



present at the trial on each and every day, failing which their bail bonds are liable to be cancelled.

The order dated 03.03.2020 passed in Cr.Misc. No.8611 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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