

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36092 of 2021
Arising out of
CRIMINAL MISCELLANEOUS No. 24025 of 2020

Arising Out of PS. Case No.-109 Year-2019 Thana- POTHIIYA District- Kishanganj

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1. Chand Mohammad, age- 35 years, Male, Son of Chhota Motu @ Mohammad Ghuta.
 2. Sunil Mohammad @ Md. Sunil, age-38 years, Male, Son of Md. Amlu.
Both are resident of Kharabari, Udgara, Ward No.-9, PS- Pothia, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners, which was allowed.

3. Heard Mr. Sanjeev Kumar Singh, learned counsel for the petitioners and Mr. Zainul Abedin, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The present petition has been filed seeking modification of the order dated 02.03.2021 passed in Cr. Misc. No. 24025 of 2020.



5. Learned counsel for the petitioners submitted that the petitioners had been granted anticipatory bail in Pothiya PS Case No. 109 of 2019 by order dated 02.03.2021 passed in Cr. Misc. No. 24025 of 2020. However, it was submitted that the Court had granted six weeks' time to the petitioners to surrender before the Court below, but due to communication gap between the petitioners and their *parvikar*, they could not appear before the Court below within the stipulated period. Thus, prayer was made to modify the order dated 02.03.2021 passed in Cr. Misc. No. 24025 of 2020, by extending the time granted to appear before the Court below.

6. Learned APP submitted that the petitioners were required to be vigilant in the matter.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there are no wilful or deliberate laches on the part of the petitioners in not appearing before the Court below within the time fixed.

8. Accordingly, time granted to surrender before the Court below in order dated 02.03.2021 passed in Cr. Misc. No. 24025 of 2020, is extended by a further period of six weeks from today.



9. The rest of the order shall remain unchanged.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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