

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7959 of 2021

Arising out of

CRIMINAL MISCELLANEOUS No. 6438 of 2020

Arising Out of PS Case No.-188 Year-2018 Thana- KURSAKANTA District- Araria

Md. Sarif @ Md. Sharif Alam, (Male), aged about 55 years, Son of Late Ahamad, Resident of Village - Garauya, Ward no.3, PS- Kursakanta (Kuwari OP), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Jha, Advocate

For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Gopal Kumar Jha, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner has moved the Court seeking modification of the order dated 28.02.2020 passed in Cr. Misc. No. 6438 of 2020, which was allowed to be withdrawn with the observation that if the petitioner surrenders before the Court below within four weeks from that day and seeks bail, the same shall be considered in light of the observations made in the order dated 08.01.2019 in ABP No. 2038 of 2018.

4. Learned counsel for the petitioner submitted that because of the lock down due to the COVID-19 pandemic, the



petitioner could not surrender within four weeks. It was submitted that the Court may modify the observation with regard to the petitioner surrendering within four weeks from that day and may extend the time.

5. Learned APP submitted that the petitioner does not need any observation or time frame to surrender and he may go and surrender.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, though the Court feels that learned APP is correct that for a person to surrender, no time limit can be fixed as no bail has been granted to him. However, as there appears to be some *bona fide* confusion and misconception in the mind of the petitioner, the Court would only observe that the time of four weeks observed in the order be read as four weeks from today.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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