

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8392 of 2021

In
CRIMINAL MISCELLANEOUS No.72858 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- FULKAHA District- Araria

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Md. Nizam @ Nizam, Son of Md. Basir, Resident of Village - Balua Bazar,
P.S.- Balua Bazar, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-02-2021 Heard learned Counsel for the petitioner and the

learned APP for the State.

The petitioner seeks modification of the order dated
18.12.2019 passed in Cr.Misc. No.72858 of 2019, whereby
though the petitioner has been granted anticipatory bail, but
could not surrender within the stipulated time and thus prays for
extension of time for surrendering in the court below.

The petitioner was accused in two cases. The prayer
in respect of Fulkaha P.S. Case No.119 of 2019 for grant of
anticipatory bail was allowed on 18.12.2019. The anticipatory
bail application in respect of Fulkaha P.S. Case No.120 of 2019
was also filed about the same time i.e., on 27th September, 2019.
However, the same came to be allowed as late as on 15.06.2020.



Since the petitioner's prayer for pre-arrest bail in Fulkaha P.S. Case No.120 of 2019 was pending till June, 2020, the petitioner, apprehending his arrest in the event of his surrender in compliance of the order dated 18.12.2019 passed in Cr.Misc. No.72858 of 2019, did not surrender in the court. The surety in respect of the bail allowed in Fulkaha P.S. Case No.120 of 2019, however, was subsequently submitted on-line and during the Pandemic, he has availed the benefit of anticipatory bail in that case granted in Cr.Misc. No.76282 of 2019. It is in these circumstances that the petitioner has not been able to submit the sureties and surrender in compliance with the order passed in Cr.Misc. No.72858 of 2019 and he seeks modification to the extent the time for surrender be extended.

Having considered the aforesaid circumstances, this Court would grant the petitioner four weeks' further time from today for surrendering in the court below in compliance of the order dated 18.12.2019 passed in Cr.Misc. No.72858 of 2019.

The order dated 18.12.2019 passed in Cr.Misc. No.72858 of 2019 shall stand modified to the above extent.

The modification application is 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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