

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10338 of 2021

In

CRIMINAL MISCELLANEOUS No.38494 of 2015

Arising Out of PS. Case No.-39 Year-2015 Thana- GOGRI District- Khagaria

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1. MILINDRA KUMAR JHA Son of Late Uday Kant Jha Resident of Village - Simiya , P.S.- Gogri, Distt.- Khagaria.
 2. Ajit Kumar Jha Son of Late Uday Kant Jha Resident of Village - Simiya , P.S.- Gogri, Distt.- Khagaria.
 3. Chhotu Jha @ Chitranjan Jha Son of Late Uma Kant Jha Resident of Village - Simiya , P.S.- Gogri, Distt.- Khagaria.
 4. Jawahar Singh Son of Sahdeo Singh Resident of Village - Badiya, Prabha Auto Agency, P.S.- Maheshkhunt, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-02-2021 Heard both sides.

The petitioners No.2, Ajit Kumar Jha, and petitioner No.3, Chhotu Jha @ Chitranjan Jha filed this petition for modification of the order dated 30.11.2015 passed in Cr. Misc. No. 38494 of 2015 by which the petitioners were granted anticipatory bail.

The learned counsel for the petitioners submits that by order dated 30.11.2015 passed in Cr. Misc. No. 38494 of 2015 the petitioners were granted anticipatory bail but petitioners No.2 and 3 could not surrender in the court below within four weeks from the date of the aforesaid order. It is



submitted that police after investigation submitted final form on 22.11.2015 and the petitioners did not think it proper to surrender in the court below and get bail but later on the court after differing with the finding of Investigating Officer took cognizance on 18.03.2017 against the petitioners. The petitioners never received any summon and when non bailable warrant of arrest was issued and police visited the native place of the petitioners only thereafter they came to know the actual facts. The petitioners did not surrender in the court only because final form was submitted finding the case false against the petitioners. The petitioner No.2, Ajit Kumar Jha, is a highly qualified persons and he is working as Professor in Delhi University but from perusal of the records it transpired that the police submitted final form on 22.11.2015 and the petitioners did not inform this court before grant of anticipatory bail to them thereafter the petitioners were granted anticipatory bail vide order dated 30.11.2015 passed in Cr. Misc. No. 38494 of 2015 but even thereafter the petitioners did not surrender in the court below. The submission of final form is no bar to the petitioners to appear in court below and get bail. The learned Judicial Magistrate took cognizance on 18.03.2017 differing with the finding of the Investigating Officer even thereafter the



petitioners did not surrender in the court below. On the facts, it appears that the petitioners have committed gross negligence and they have scant respect of the order of this court that is why the petitioners did not surrender in the court below and filed this petition only after six years from the date of grant of anticipatory bail.

Taking into consideration the facts aforesaid, I do not find it a fit case for extending the period of surrender of the petitioners in the court below.

This modification petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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