

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61988 of 2021**

**In
CRIMINAL MISCELLANEOUS No.5571 of 2021**

Arising Out of PS. Case No.-1 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

=====

AJAY KUMAR GUPTA S/o Bhu Prakash Gupta Former Director, Adroit
Financial Services Pvt. Ltd., R/o 401/402, 4th Floor, Angel Mega Mall,
Kaushambi, P.S.- Kaushambi, District- Ghaziabad, U.P.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Markandeya Singh S/o Late Sheo Prasanna Singh R/o- C/24, Vijay Nagar,
Road No. 2, Hanuman Nagar, P.S.- Patrakar Nagar, Patna, Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mrigank Mauli, Sr. Adv. Mr. Vinay Mistry, Adv.
For the Opposite Party/s :		Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. Vijay Shankar Srivastava, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 08-12-2021 The present petition has been filed seeking
modification of the order dated 25.1.2021 passed
in Criminal Miscellaneous No. 5571 of 2021 (arising
out of Criminal Miscellaneous No. 84646 of 2019).

The learned Senior Counsel for the petitioner,
Mr. Mrigank Mauli, has submitted that though this
Court had modified the initial order dated
23.1.2020 vide order dated 25.1.2021 by
extending the time granted to the petitioner to



surrender before the learned court below for the purposes of availing the privilege of anticipatory bail by a further period of two weeks, but the petitioner herein i.e. Mr. Ajay Kumar Gupta, had again failed to surrender before the learned court below within the extended time granted by this Court on account of him being stuck in Dubai due to Covid-19 Pandemic. However, he submits that the petitioner has already arrived at Patna and shall surrender by tomorrow, before the Ld. court below, hence, the petitioner be granted one more day in order to comply the earlier orders of this Court.

Per contra, the learned counsel for the complainant, Sri Vijay Shankar Srivastava, has submitted that the petitioner has tried to overreach the process of law and despite this Court accommodating him on the earlier occasion, he had failed to surrender. Nonetheless, it is submitted that in case, this Court is inclined to grant one day time to the petitioner to surrender before the learned court below for the purposes of



availing the privilege of anticipatory bail, he be directed to appear before the learned court below on each and every date so fixed so that the further proceedings of the complaint case in question can be proceeded with and the trial can be conducted on a day to day basis.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to grant further time upto midnight of 9th of December, 2021, to the petitioner herein i.e. Mr. Ajay Kumar Gupta, to surrender before the Ld. court of Additional District & Sessions Judge-XVII, Civil Court, Patna in connection with Misc. Complaint Case No. 1(C) of 2015 and seek the privilege of anticipatory bail, subject to him fulfilling the conditions which have been specified in the initial order of this Court dated 23.1.2020 passed in Criminal Miscellaneous No. 84646 of 2019.

It is needless to state that the petitioner shall appear, on each and every date so fixed, by the



learned court below and in case of default on two consecutive occasions, the privilege of anticipatory bail, being granted to the petitioner, shall stand revoked and the petitioner would be liable to be taken into custody forthwith.

The present petition stands disposed of with the aforesaid modification in the earlier orders of this Court dated 23.1.2020 and 25.1.2021 passed in Criminal Miscellaneous No. 84646 of 2019 and Criminal Miscellaneous No. 5571 of 2021 respectively.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

