

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14665 of 2021**

**In
CRIMINAL MISCELLANEOUS No.3591 of 2019**

Arising Out of PS. Case No.-10716 Year-2014 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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BHAVISHYA KUMAR @ BHABIKSHAN KUMAR Son of Rajesh Kumar
Resident of Village - Raghunathpur, P.S.- Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 24-02-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The present application has been filed for
modification of the order dated 26.03.2019 passed in Cr. Misc.
No. 3591 of 2019 by which the provisional bail earlier granted
to the petitioner vide order dated 28.01.2019, in connection
with Complaint Case No. 10716 of 2014 to the satisfaction of
learned Sub-Divisional Judicial Magistrate, Begusarai, has been
confirmed.



It has been prayed on behalf of the petitioner that the period of surrender may be extended so that the petitioner could take the benefit of being granted anticipatory bail vide order dated 26.03.2019.

It would be relevant to indicate here that the petitioner was granted provisional bail by a Coordinate Bench of this Court vide order dated 28.01.2019 passed in Cr. Misc. No. 3591 of 2019 with a direction to surrender within a period of four weeks and on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the Court below. The petitioner neither surrendered nor furnished his bail bonds before the Court below. Subsequently, when the aforesaid anticipatory bail application was taken up, another Coordinate Bench of this Court vide order dated 26.03.2019 confirmed the provisional bail granted to the petitioner with certain conditions indicated in the above referred order. Thereafter, when the petitioner approached the Court below for furnishing his bail bonds, the Court below did not accept the same for the reason that the period of four weeks as given in order dated 28.01.2019 had already elapsed. Thereafter, the petitioner filed a modification application seeking a modification of order dated 26.03.2019 by which the provisional bail granted to



the petitioner was confirmed. The said modification application was Cr. Misc. No. 6584 of 2020. The said modification application was dismissed as withdrawn by order dated 02.07.2020. Now, the present modification application has been filed. In the present modification application also, the petitioner has sought for modification of order dated 26.03.2019.

In my considered opinion, the present modification application is a misconceived application because the period of surrender was indicated in the order dated 28.01.2019 (provisional bail order) and not by the order dated 26.03.2019. The order dated 26.03.2019 is only an order which has confirmed the provisional bail granted to the petitioner.

In the aforesaid facts and circumstances, the present application stands dismissed. If the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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