

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31919 of 2022**

**In
CRIMINAL MISCELLANEOUS No.7671 of 2022**

Arising Out of PS. Case No.-395 Year-2019 Thana- KORHA District- Katihar

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1. Udesb Kumar S/o Akhilesh Mahaldar @ Akhilesh Mandal R/o- Musapur,
P.S.- Korha, District- Katihar
 2. Abhishek Kumar S/o Akhilesh Mahaldar @ Akhilesh Mandal R/o- Musapur,
P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 31-08-2022 Heard Mr. Sanjeev Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Md. Ataur
Rahman, learned learned APP for the State.

The present modification application under Section
482 of the Code of Criminal Procedure has been filed for
modification of the order dated 25.10.2021 passed in Cr. Misc.
No. 12686 of 2020 by which the petitioners were directed to be
released on anticipatory bail in the event of their arrest or
surrender before the court below within a period of four weeks,
but the petitioners could not surrender before the court below



within the stipulated time and had earlier filed Modification Application No. 7671 of 2022 for extension of time to surrender before the court below.

Considering the peculiar facts of the Modification Application No. 7671 of 2022, the same was disposed of vide order dated 16.02.2022 with a direction to the petitioners to surrender before the court below by 19.02.2022. However, instead of complying the order passed vide order dated 16.02.2022 in Cr. Misc. No. 7671 of 2022 by surrendering before the court below, the petitioners have again made prayer in the present modification application that further time be extended so that the petitioners may surrender before the court below.

Taking into consideration the fact that the petitioners were already released on bail and the reasons given in the present petition that they have not willfully violated the orders dated 25.10.2021 and 16.02.2022 passed in Cr. Misc. Nos. 12686 of 2020 and 7671 of 2022, further two weeks' time is granted to the petitioners to surrender before the court below. The petitioners above named shall be released on the similar conditions imposed in earlier orders of this Court.

In case the petitioners fail to comply with the order of



this Court, Superintendent of Police, Katihar is directed to arrest the petitioners and produce them before the trial court.

Accordingly, the present modification application stands disposed of.

(Purnendu Singh, J)

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