

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50843 of 2022

In
CRIMINAL MISCELLANEOUS No.35622 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- CHAPRA TOWN District- Saran

Sumit Kumar Son Of Dipak Singh R/V- Senduar, P.S- Janta Bazar, Dist- Saran (Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Singh Wife of Sumit Kumar , D/O Late Shiv Kumar Singh Resident of Mohalla- Dahiawan Tola Nagarpalika Chauk, North to Sai Mandir, House of Nagwendra Rai, P.S- Chapra Town, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-09-2022 Heard learned advocate for the petitioner and the opposite parties.

The present application has been filed for modification of the order dated 09.08.2021 passed in Cr. Misc. No. 35622 of 2019 whereby the petitioner was granted eight weeks time to surrender before the court below.

Learned counsel for the petitioner submits that due to miscommunication of the aforesaid order dated 09.08.2021, the petitioner could not surrender within the stipulated time before the court below and he could not take advantage of the order.

He further submits that the petitioner earlier had filed



modification application bearing Cr. Misc. No. 23611 of 2022 for modification of the order dated 09.08.2021 which was allowed vide order dated 11.05.2022 and the time was also extended by a period of six weeks to surrender but again, due to some unavoidable circumstances, he could not surrender before the court below within the extended period and, by way of this modification application, he again prays for extension of time to surrender.

For the reasons stated in the application, the prayer for extension of time for surrendering of the petitioner before the court below is allowed.

The order dated 09.08.2021 is modified to the extent that if the petitioner, above named, surrenders before the learned court below within a period of four weeks from today, he will be accorded the privilege under the aforesaid order dated 09.08.2021 on the same terms and conditions.

With the aforesaid modification, the application stands allowed.

(Ashutosh Kumar, J)

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