

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61882 of 2021**

**In
CRIMINAL MISCELLANEOUS No.13412 of 2020**

Arising Out of PS. Case No.-2682 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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ARUN JAISWAL S/o Deoki Prasad Jaiswal Resident of Village - Balua
Bhawanipur, P.S. - Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi @ Soni Kumari W/o Arun Jaiswal D/o Sri Rajendra Prasad
Resident of Mohalla - Chhota Mathiya, P.S. - Chhatauni Ward No. -1
Motihari, District - East Champaran At present Resident of Village - Balua
Bhawanipur, P.S. - Kundwa Chainpur, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mintoo Kumari, Advocate.
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 12-01-2022 Heard Ms. Mintoo Kumari, learned counsel for the

petitioner and Mr. Ganesh Prasad Singh, learned APP for the

State.

The present application is for modification of the
order dated 08.04.2019 for extending the time for surrendering
before the Court below.

The petitioner who is the husband of the opposite
party no.2 was granted bail by the predecessor Bench vide order
dated 08.04.2019 passed in Cr. Misc. No. 59418 of 2018.

While granting bail to the petitioner, the court had



directed him to surrender before the court below within a period of six weeks of the passing of the order.

Since the petitioner could not surrender before the court below to take advantage of the aforesaid order within the stipulated period, an application was filed for modification of the order dated 08.04.2019 for extending the date. This court vide order dated 02.07.2020 passed in Cr. Misc. No. 13412 of 2020 extended the period of surrender of the petitioner for a further period of six weeks from the date of the passing of the order.

However, learned counsel for the petitioner submits that since he and his wife were living together under the same roof, the petitioner was under a mistaken notion that he was not required to surrender before the court below for taking advantage of the order. When the petitioner realized that the case still remains pending and that the petitioner is required to surrender before the court below, by that time, the stipulated period had already expired. The confusion got further confounded because of the Covid-19 Pandemic closure of Courts.

On these grounds, it has been urged that a further extension of time be allowed to the petitioner for surrendering



before the court below.

Being satisfied with the submissions urged on behalf of the petitioner, the order dated 02.07.2020 and 08.04.2019 respectively are modified to the extent that if the petitioner surrenders before the court below within a further period of four weeks, to be counted from today, he shall be released on bail on same terms and conditions which was imposed vide order dated 08.04.2019 and subsequently by order dated 02.07.2020.

The petition stands disposed of.

(Ashutosh Kumar, J)

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