

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64385 of 2021

In
CRIMINAL MISCELLANEOUS No.27006 of 2020

Arising Out of PS. Case No.-401 Year-2013 Thana- GAYA MUFASIL District- Gaya

Devshankar Malakar @ Rahul, aged about 36 years, male, S/o Sri Arjun
Malakar Resident of Village- Bhadeza, P.S.- Mufassil, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinod Kumar, Adv.

For the Opposite Party : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 12-01-2022 The matter has been listed today for consideration
through Video Conference.

Heard learned counsel for petitioner and learned counsel
for the State.

This application has been filed for modification of the
order dated 06.11.2020 passed in Cr. Misc. No. 27006 of 2020
by which the petitioner was granted anticipatory bail in
connection with Mufassil PS Case No. 401 of 2013, pending in
the Court of learned CJM, Gaya.

It is worthwhile to mention here that earlier a
modification application was also filed on behalf of the
petitioner for modification of the order dated 06.11.2020 passed
in Cr. Misc. No 27006 of 2020 which was heard and allowed by
this Court in Cr. Misc. No. 35767 of 2021 under order dated



01.09.2021.

On account of some delay in communication of the order dated 01.09.2021 to the Court concerned, learned counsel for the petitioner submits that he could not avail the benefit of the said order by surrendering within the time stipulated in the said order dated 06.11.2020.

The submissions of the petitioner's counsel is accepted and the order dated 06.11.2020 passed in Cr. Misc. No. 27006 of 2020 is modified to the extent that if the petitioner surrenders before the learned court below within a period of four weeks from today, he will be accorded the privilege under the order dated 06.11.2020 on the same terms and conditions. The other conditions in the order shall subsist.

The modification application is allowed.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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