

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4769 of 2022

In
CRIMINAL MISCELLANEOUS No.41483 of 2016

Arising Out of PS. Case No.-265 Year-2015 Thana- CHAPRA TOWN District- Saran

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SUNIL KUMAR SINGH S/O RAJ BAHADUR SINGH, aged about 35 years
(M), R/o village- Bansohi, P.S.- Mashrak, District- Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party : Mrs. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. 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 after restoration of normalcy.

The present application has been filed for
modification of the order dated 13.12.2016 passed in Cr. Misc.



No. 41483 of 2016, by which the petitioner was granted anticipatory bail on the submission of learned counsel for the petitioner that the petitioner was ready to deposit an amount of Rs. 4,20,000/- in the learned court below which shall be subject to final disposal of the case and the petitioner was directed to deposit an amount of Rs. 4,20,000/- in the court below, which shall be subject to final disposal of the case and on doing so, the petitioner in the event of arrest/surrender before the learned court below within a period of eight weeks was to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran, Chapra in connection with Chapra Town P.S. Case No. 265 of 2015, subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure.

The petitioner did not deposit the aforementioned amount within the stipulated period and deposited the aforesaid sum of Rs. 4,20,000/- in the court below in the month of November, 2021 i.e., after lapse of approximately five years.

Learned counsel for the petitioner submits that due to some unavoidable reasons the petitioner could not surrender in the court below well within time. It is further submitted that



further time may be extended so that the petitioner could surrender in the court below.

Considering the fact that the petitioner consented to deposit the said amount, this Court vide order dated 13.12.2016 had granted the petitioner anticipatory bail. However, the petitioner has deposited the stipulated amount after much delay. The delay has also not been explained by him. A bare averment has been made in the present application that the petitioner came across a road accident and his mother became ill. These statements go unsupported and are not substantiated with any document whatsoever. In such view of the matter, this Court feels that granting any further time to the petitioner to surrender will be sheer abuse of process of law. Therefore, this Court is not inclined to interfere with the earlier order dated 13.12.2016 passed in Cr. Misc. No. 41483 of 2016.

Accordingly, the present modification application is dismissed.

(Sudhir Singh, J)

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