

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19891 of 2023

In
CRIMINAL MISCELLANEOUS No.70649 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- KURSAILA District- Katihar

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Kundan Kumar, S/O- Sunil Singh R/O- Devipur Ps- Kursela Dist- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The present modification application has been filed
seeking extension of time.

The learned counsel for the petitioner submits that
petitioner was granted anticipatory bail by order dated
20.12.2022 in Cr. Misc. No.70649 of 2022, whereby he was
granted six weeks' time for surrendering.

It is next submitted that petitioner could not surrender
because he apprehended that he would be arrested in a different
case, as such, he was pursuing his remedy available in law in
that case.

It is next submitted that anticipatory bail of the



petitioner was rejected in the case in which, he was pursuing bail, as such, he had to move before the Hon'ble Supreme Court. It is further submitted that since the Hon'ble Supreme Court issued notice in the said case and granted stay on arrest of the petitioner, it was thereafter that the petitioner could have appeared in the present case seeking anticipatory bail.

The order dated 20.12.2022 in Cr. Misc. No.70649 of 2022 granting bail to the petitioner with clarity had recorded that within six weeks he had to surrender and in the event, what the petitioner contains in the present modification application is true, he could have moved this Court in time i.e. before the time of surrender was expiring bringing the said fact to the notice of the Court, but then, the same was not done as the petitioner at his leisure and convenience thought of surrendering.

The Court is not inclined to entertain the modification application and thus, the modification application is rejected.

(Satyavrat Verma, J)

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