

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20458 of 2023

In
CRIMINAL MISCELLANEOUS No.49324 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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PRABHUDAYAL SINGH SON OF LATE MACHHU SINGH RESIDENT
OF VILLAGE - SAHDULLAHPUR, WARD NO. 12, P.S. - GANGA
BRIDGE, DISTT. - VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar, Adv.
For the Opposite Party/s : Mr.Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is an application seeking modification of the
modified order dated 12.10.2022 passed in Cr. Misc. No. 49324 of
2022 in which the original order dated 09.06.2022 passed in Cr.
Misc. No. 14785 of 2022 was sought to be modified.

Though on earlier occasion, the petitioner was granted
extension of period of surrender for further two weeks vide
order dated 12.10.2022 passed in Cr. Misc. No. 49324 of 2022,
now again extension of period of surrender for further two weeks
is sought on behalf of the petitioner by way of present
modification application without any plausible grounds.

This Court is of view that the petitioner is taking undue



advantage of sympathetic approach of this Court by filing successive modification application seeking extension of period of surrender, which is nothing but an abuse of process of law, and in my view, it is required to be demeaned as the extension of period of surrender would not be the subject matter of right of the petitioner, whose anticipatory bail has been considered.

In view of above, this Court is not inclined to modify the order dated 12.10.2022 passed in Cr. Misc. No. 49324 of 2022.

Accordingly, this modification application stands dismissed being devoid of any considerable ground.

(Rajesh Kumar Verma, J)

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