

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58184 of 2023

Arising Out of PS. Case No.-49 Year-2021 Thana- KHIJARSARAI District- Gaya

SRI RAM SON OF GUDARI RAM RESIDENT OF VILLAGE - KAMTA,
P.S. - PARASI, DISTRICT - ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that petitioner had earlier moved this Court by filing Criminal Miscellaneous No. 67276 of 2021 seeking anticipatory bail and the Court by order dated 21.07.2022 was pleased to grant anticipatory bail to the petitioner. It is next submitted that since the petitioner could not surrender in time, as such, he filed a modification application being Criminal Miscellaneous No. 70783 of 2022, but the same was rejected by order dated 14.12.2022.

3. The learned counsel for the petitioner next submits that he is aware of his limitation in making submission in the present case, but since the petitioner is an old person and in



nature of allegation as alleged in the F.I.R that while he was in service, he issued a forged *Parwana* regarding settlement of *Anabad* Bihar Sarkar land in the name of Kanti Devi in the year 1973-74 despite knowing that the land was registered in the name of Bhattu Jamadar for which receipts were being issued.

4. The learned counsel next submits that the petitioner retired in the year 2016 and the F.I.R. came to be instituted in the year 2021 and he is an old person aged about 68 years. It is further submitted that since this Court was pleased to grant anticipatory bail to the petitioner by order dated 21.07.2022 in Criminal Miscellaneous No. 67276 of 2021, but for the reason that he could not surrender in time, his modification application as aforesaid came to be rejected, it is thus submitted that the Court should show leniency in favour of the petitioner as he is a senior citizen and a retired person and the F.I.R. came to be instituted based on an allegation for which the petitioner after retirement cannot be even proceeded departmentally.

5. The submission of the learned counsel strikes the Court that some leniency be shown, but since this Court has been taking a consistent view that if an accused does not surrender within the time frame, as recorded in the order, in that event application seeking extension of time is not being



allowed, as such, the Court does not entertain the present anticipatory bail application on the said ground, however, gives liberty to the petitioner that if the petitioner surrenders on or before 13.10.2023, the learned Trial Court shall dispose of the case of the petitioner on the same day keeping in mind the fact that this Court had earlier granted him the privilege of anticipatory bail.

6. Accordingly, the present Criminal Miscellaneous Application stands rejected.

(Satyavrat Verma, J)

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