

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38590 of 2024

In
CRIMINAL MISCELLANEOUS No.5090 of 2024

Arising Out of PS. Case No.-373 Year-2023 Thana- SUGAULI District- East Champaran

Amit Rai Son Of Late Dhruv Rai Village- Pachibidwa, Ps- Ramgarhwa, Dist-
East Champaran P/A- Mewashi Hospital Ps- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. Learned counsel for the petitioner submits that
petitioner was granted the privilege of Section 41A of the
Cr.P.C. by an order dated 23-2-2024 and he was directed to file
a representation before the concerned Superintendent of Police
and the investigation officer of the case within a period of three
weeks from 23-2-2024, but he was not able to submit an
application within the time stipulated by the order dated 23-2-
2024. It is next submitted that sister-in-law (Bhabhi) of the
petitioner was ill since 16-2-2024 and subsequently, she died on
19-3-2024, thus it is submitted that the petitioner was not able to
submit the application in terms of the order dated 23-2-2024



within the time stipulated.

3. The learned APP, Mr. Chandra Bhushan Prasad, submits that it absolutely does not stand to reason that three weeks' time was granted to the petitioner for filing a representation before the concerned S.P and the investigating officer of the case, and the Bhabhi of the petitioner died on 19-3-2024, i.e., after nearly more than 24 days of passing of the order dated 23-2-2024, which amply demonstrates that the petitioner had enough time to file an application. It is also submitted that petitioner cannot move at leisure.

4. Considering the submissions made by learned APP, the Court is not inclined to entertain the instant modification application.

5. Accordingly, the instant modification application is dismissed.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

