

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65472 of 2024**

**In
CRIMINAL MISCELLANEOUS No.26231 of 2024**

Arising Out of PS. Case No.-91 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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Deepu Malik @ Dipu Kumar Son of Late Jangali Mallik Resident of Vill-
Nauranga Bag, P.S.- Bettiah Town, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 06-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The learned APP at the outset submits that petitioner
was granted the privilege of anticipatory bail by an order dated
05.04.2024 and was directed to surrender within a period of six
weeks and the six weeks, in terms of the order dated 05.04.2024,
expired on 17.05.2024 but it appears that the petitioner for the
reason best known neither surrendered nor approached this court
prior to 17.05.2024 for seeking modification of the order impugned
on the ground as raised in the modification application i.e. the name
of the father of the petitioner requires to be rectified.

3. The learned APP submits that it absolutely does not
stand to reason that when privilege of anticipatory bail was granted



by an order dated 05.04.2024, why the petitioner did not approach this court for getting father's name of the petitioner rectified prior to 17.05.2024, which amply demonstrates that after the period of surrender was over, the instant modification application has been filed on 19.07.2024.

4. The learned counsel appearing on behalf of the petitioner is not in a position to rebut the submission of the learned APP and thus seeks permission to withdraw the modification application.

5. The Court is also taking a consistent view in not entertaining modification application if the same has not been filed prior to the date fixed for surrender in the order by which anticipatory bail was granted to the petitioner, had the petitioner filed the modification application prior to the date of surrender lapsing, the modification application would have been entertained, it appears, as if the petitioner is moving at his leisure.

6. Permission is accorded.

7. The modification application is rejected.

(Satyavrat Verma, J)

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