

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71972 of 2024

In
CRIMINAL MISCELLANEOUS No.41659 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- KANHAULI District- Sitamarhi

Sonu Kumar, son of Late Sikandar Mahto @ Late Sikindra Mahto village -
Vishanpur Aadhar @ Vishnupur Adhar @ Bishanpur Adhar, P.S. - Kanhauli,
Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The Court is taking a consisting view of not
extending the period of surrender, in the event, if the accused has
not surrendered within the time stipulated in the order by which
the anticipatory bail application was granted to the petitioner.

3. The learned counsel for the petitioner submits that
the instant modification application has been filed seeking
modification of the order dated 22.07.2024 in Cr. Misc.
No.41659 of 2024 on the ground that anticipatory bail was
granted to the petitioner on the condition that one of the bailors
of the petitioner shall be his father, but then, inadvertently in Cr.



Misc. No.41659 of 2024, the word “Late” was not prefixed before the name of the father of the petitioner, thus prayed that the said condition be modified.

4. The Court initially on hearing the learned counsel appearing on behalf of the petitioner was inclined to accede to the prayer made by the learned lawyer, but then, it was pointed out by the learned A.P.P., that the instant modification application though has been filed seeking modification of the condition of grant of anticipatory bail, but then, in sum and substance, the modification application has been filed seeking extension of time. It is also submitted by the learned A.P.P. that the Court is taking a consistent view not to extend the time of surrender, if accused has not surrendered within the time stipulated in the order granting anticipatory bail to the accused.

5. The learned A.P.P. further submits that petitioner was granted the privilege of anticipatory bail by order dated 22.07.2024 and he had to surrender within a period of six weeks and the last date of surrender is 02.09.2024 and the instant modification application has been filed after 02.09.2024. It is thus submitted that it absolutely does not stand to reason that why petitioner moved at such a belated stage when he was aware that his father has already died in the Year 2019. The learned



A.P.P. thus submits that this cast an aspersion on the conduct of the petitioner.

6. At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the modification application.

7. Permission is accorded.

8. Accordingly, instant petition is dismissed as withdrawn.

(Satyavrat Verma, J)

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