

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77491 of 2023

In
CRIMINAL MISCELLANEOUS No.34677 of 2016

Arising Out of PS. Case No.-540 Year-2011 Thana- COMPLAINT CASE District- Araria

MD. TABREJ ALAM S/O SAMI AHMAD VILLAGE- FORBESGANJ,
GUDARI MUHALLA, PS. FORBESGANJ, DIST. ARARIA.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. KAHKANSHA @ SALATUN D/O MOJISBUDDIN, W/O MD. TABREJ VILLAGE- KHAIRA- GATHIYA, PS. NARPATGANJ, DIST. ARARIA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The present application has been filed for modification of the order dated 02.03.2017, passed in Cr. Misc No. 34677 of 2016, by which the petitioner was granted anticipatory bail in connection with Complaint Case No. 540C of 2011, pending in the court of learned Judicial Magistrate, 1st Class, Araria, and the petitioner was directed to surrender in the court below within a period of twelve weeks and to furnish bail bond.



3. Learned counsel for the petitioner submits that due to some unavoidable reasons the petitioner could not surrender in the court below within the stipulated time. It is prayed on behalf of the learned counsel for the petitioner that further time may be extended so that the petitioner could surrender in the court below.

4. After going through the records of the case, it is evident that the anticipatory bail was granted to the petitioner vide order dated **02.03.2017**, passed in Cr. Misc No. 34677 of 2016, by the then Co-ordinate Bench of this Court and the petitioner was directed to surrender in the learned court below within a period of twelve weeks from the date of granting anticipatory bail i.e., 02.03.2017 and to furnish bail bond but the petitioner could not surrender in the learned court below and furnish bail bond within time and now the petitioner has filed the present modification application on 22.11.2023 after a delay of six years and eight months without assigning reasonable cause.

5. Considering the aforesaid facts and circumstances of the case and the fact that the present modification application has been filed on behalf of the



petitioner after a delay of six years and eight months, this Court is not inclined to allow the modification application filed on behalf of the petitioner in connection with Complaint Case No. 540C of 2011, pending in the court of learned Judicial Magistrate, 1st Class, Araria.

6. Accordingly, the present modification application stands rejected.

(Chandra Prakash Singh, J)

Nilmani/-

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