

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73455 of 2024**

**In
CRIMINAL MISCELLANEOUS No.51693 of 2024**

Arising Out of PS. Case No.-36 Year-2012 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

Shivnarayan Paswan Son of Asharfi Paswan Resident of Ward No. 14,
Raiyam, P.S.- Bhairabsthan, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binodanand Mishra

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

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

2 04-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned counsel for the petitioner submits that
the instant modification application has been filed seeking
modification of the order dated 30-7-2024 passed in Cr. Misc
No. 51693 of 2024.

3. It is next submitted that in Cr. Misc No. 51693 of
2024 the P.S of the petitioner was typed as "Raiyam" and the
same also was recorded in the order dated 30-7-2024. It is next
submitted that when the said fact came to the notice of the
petitioner that the P.S of the petitioner has been recorded as
"Raiyam" in the order dated 30-7-2024 passed in Cr. Misc No.



51693 of 2024, when it ought to have been "Bhairabsthan", a mentioning was made before this Court of the Cr. Misc No. 51693 of 2024.

4. Accordingly, Cr. Misc No. 51693 of 2024 was taken up on 10-9-2024, when it was recorded - *No order needs to be passed*. The learned counsel submits that thereafter the instant modification application has been filed on 21-9-2024 seeking modification of the order dated 30-7-2024 passed in Cr. Misc No. 51693 of 2024.

5. The learned APP, Shri. Chandra Bhushan Prasad, vehemently opposes the modification application and submits that the order by which anticipatory bail was granted to the petitioner is dated 30-7-2024 and the last date for surrendering was 10-9-2024. It is next submitted that it absolutely does not stand to reason that when the order was pronounced, why the instant modification application was not filed instantaneously, when petitioner was aware that his police station has been wrongly typed in the order dated 30-7-2024 based on the mistake committed in Cr. Misc No. 51693 of 2024 by the learned lawyer. It is further submitted that last date for surrendering was 10-9-2024 and the petitioner had all the time to move this court seeking modification in between 1-8-2024 till



9-9-2024. It is submitted that the instant modification is nothing but a ploy to seek extension of time in garb of the aforesaid modification when court is taking a consistent view of not extending the period of surrender if the accused has not surrendered within the time stipulated in the order granting anticipatory bail.

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

7. Accordingly, the instant modification application is dismissed.

(Satyavrat Verma, J)

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