

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79029 of 2024

In
CRIMINAL MISCELLANEOUS No.71080 of 2023

Arising Out of PS. Case No.-313 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Byash Singh S/o Satyanarayan Singh, R/o- Gulaura, PS- Gopalpur, Dist-
Gopalganj, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2024 Heard Mr. Sumit Shekhar Pandey, the learned
counsel for the petitioner and Mr. Parmanand Kumar, the
learned Additional Public Prosecutor for the State.

2. The present modification petition has been filed on
behalf of the petitioner seeking modification in the order dated
08.11.2023 passed in Cr. Misc. No. 71080 of 2023, thereby
granted four weeks' time to surrender before the learned trial
Court in connection with Excise P.S. Case No. 313 of 2020.

3. Petitioner had been granted the privilege of
anticipatory bail vide order dated 08.11.2023 and he had been
directed to surrender before the learned trial Court within a
period of four weeks.



4. Learned counsel for the petitioner submits that petitioner could not surrender within the aforesaid period as specified in the aforementioned order.

5. Learned counsel for the petitioner submits that the petitioner could not surrender on the ground that petitioner was fearing his arrest in connection with some other criminal case filed under excise Act against him and due to that reason petitioner remained untraceable and was not able to be contacted by the counsel for the petitioner. When the learned counsel for the petitioner contacted with the petitioner, period of four weeks had already been lapsed and the petitioner was not in a position to surrender before the learned trial Court.

6. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the modification application and submits that the petitioner had been granted the privilege of anticipatory bail vide order dated 08.11.2023 and the present modification application had been filed on 29.10.2024 after passing of almost one year, since the granting of privilege of anticipatory bail to him.

7. This Court is not persuaded by the submissions made by the learned counsel for the petitioner on the ground that the present modification petition has been filed almost after



one year of passing the order in Cr. Misc. No. 71080 of 2023 and bare perusal of the pleading of the modification application, it appears that no case is made out for modifying the order dated 08.11.2023.

8. Prayer is refused.
9. Accordingly, the modification petition stands dismissed.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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