

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8824 of 2024

In
CRIMINAL MISCELLANEOUS No.12053 of 2018

Arising Out of PS. Case No.-569 Year-2016 Thana- SASARAM NAGAR District- Rohtas

Satyendra Rai @ Satyendra Kumar Rai Son Of Late Harishankar Rai R/O
Village Sawanbahar, P.S. Karagahar, District Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Distt. - Rohtas Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar, Adv.
For the B.S.F.C.	:	Mr. Shailendra Singh, Adv.
		Mr. Utkarsha Utpal, Adv.
For the Opposite Party/s :		Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-02-2024 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 18.04.2018, passed in Cr. Misc No. 12053 of 2018 and the order dated 26.09.2018 passed in Cr. Misc. (Modification) No. 59206/2018 to the extent that further 4 weeks time may be granted to the petitioner to surrender before the learned court below in connection with Sasaram (Modal) P.S. Case No. 569 of 2016 and for further modification of the condition that the petitioner will furnish Bank Gurantee of Rs. 5,67,809 at the time of furnishing bail bond, if it is extended.



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, therefore, this court may grant further time and furnish the bank guarantee 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 18.04.2018, passed in Cr. Misc No. 12053 of 2018, by the then Co-ordinate Bench of this Court and the petitioner was directed to surrender in the learned court below within four weeks from the date of granting anticipatory bail i.e., 18.04.2018 with further condition that he will furnish the bank guarantee of Rs. 5,67,809/- but the petitioner did not surrender in the learned court below and furnish the bail bond within time. Thereafter, the petitioner filed modification application vide Cr. Misc. No. 59206 of 2018 on 26.09.2018 and the same was allowed on 26.09.2018 itself by directing the petitioner to surrender in the court below within four weeks from the date of the order. Further, the petitioner again did not surrender in the court below and furnish the bail bond within time. Now, again the petitioner has filed the present modification application after a delay of almost five years and four 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 5 years and 4 months, this Court is not inclined to allow the modification application filed on behalf of the petitioner in connection with Sasaram (Modal) P.S. Case No. 569 of 2016, pending in the court of learned Chief Judicial Magistrate, Rohtas at Sasaram.

6. Accordingly, the present modification application stands rejected.

(Chandra Prakash Singh, J)

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