

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9201 of 2024

In

CRIMINAL MISCELLANEOUS No.65657 of 2018

Arising Out of PS. Case No.-414 Year-2017 Thana- RUPASPUR District- Patna

Md. Nawajuddin Mallik @ Manish @ Nawabuddin Mallick @ Maanish Mallick S/O Md. Bahauddin Mallik @ Wahabuddin R/O Mohalla- Maula Bag, Madarsa Gali, Naya Tola, P.S- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-02-2024 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 13.12.2018, passed in Cr. Misc No. 65657 of 2018, by which the petitioner was granted anticipatory bail in connection with Rupaspur P.S. Case No. 414 of 2017, pending in the court of learned Special Judge Excise Patna, and the petitioner was directed to surrender in the court below within a period of four 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 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 **13.12.2018**, passed in Cr. Misc No. 65657 of 2018, 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 four weeks from the date of granting anticipatory bail i.e., 13.12.2018 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 after a delay of five years and two months without assigning reasonable cause. Learned counsel has placed the reliance on the judgment of **Abdul Basit @ Raju & Ors. Etc. Md. Abdul Kadir Chaudhary (2014) 10 SCC 754** in which the Supreme Court noted that “the considerations for grant of bail and cancellation thereof are entirely different. The bail could be cancelled if the court is satisfied that after being released on bail”:-

- (a) The accused has misused the liberty granted to him;
- (b) flouted the conditions of the bail order;
- (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the court to grant bail;
- (d) or that the bail was procured by misrepresentation or fraud.

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 five years and two months without proper reasons, this Court is not inclined to allow the modification application filed on behalf of the petitioner in connection with Rupaspur P.S. Case No. 414 of 2017, pending in the court of learned Special Judge Excise, Patna.

6. Accordingly, the present modification application stands rejected.

(Chandra Prakash Singh, J)

annpurna/-

U		T	
---	--	---	--

