

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41227 of 2026

In
CRIMINAL MISCELLANEOUS No.56134 of 2023

Arising Out of PS. Case No.-2301 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Birendra Kumar @ Appu Singh @ Birendra Kumar Singh S/O Late Raghu Prasad Singh @ Ragho Babu Resident of Village- Salimpur Ahra, Daldali Road, Gali No. 2, P.S- Gandhi Maidan, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar S/o Sant Lal Sao Resident of Village- Salimpur Ahra, Daldali Road, Gali No. 2, P.S- Gandhi Maidan, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devashish Prasoon, Adv.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-06-2026 Heard learned Advocates appearing for the respective parties.

2. The present application has been filed seeking modification of the order dated 08.11.2023 passed by this Court in Criminal Miscellaneous No. 56134 of 2023, whereby the petitioner has been extended the privilege of anticipatory bail.

3. Learned Advocate for the petitioner submitted that, despite the anticipatory bail having been granted by this Court, the petitioner could not surrender and furnish his bail bond within the stipulated period as he was residing in Hyderabad, Andhra Pradesh, and there was a communication gap regarding



the order and later on he underwent an eye surgery and suffered post-operative complications, which prevented him from appearing before the court below and furnish his bail bond. In the aforesaid circumstances, the present application has been filed seeking extension of time to surrender and furnish the bail bond.

4. Learned Advocate for the State vehemently opposed the prayer and submitted that since the petitioner has no regard to the order of this Court and taken the same as granted; hence, he does not deserve any sympathy.

5. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the petitioner is aged about 62 years having fair antecedent, has been residing in Hyderabad, Andhra Pradesh, and was suffering from post-operative complications following an eye surgery, this Court, in the peculiar facts and extraordinary circumstances of the case, is inclined to accept the submissions of the petitioner. Accordingly, the present application is allowed, subject to payment of costs of Rs. 10,000/- (Rupees Ten Thousand only), which shall be deposited with the Patna High Court Legal Services Committee, preferably within a period of two weeks from today.



6. The period for surrendering before the court below and furnishing the bail bond is extended by a further period of four weeks from today.

7. The order dated 08.11.2023 passed in Criminal Miscellaneous No. 56134 of 2023 stands modified to the extent indicated hereinabove.

(Harish Kumar, J)

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