

Patna High Court - Orders

Anil Kumar Agrawal vs The State Of Bihar on 16 February, 2022

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.6079 of 2022

In

CRIMINAL MISCELLANEOUS No.3684 of 2021

Arising Out of PS. Case No.-744 Year-2019 Thana- BANKA District-

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ANIL KUMAR AGRAWAL Son of Radheshyam Agrawal Resident of  
Dharmashala Pada, Belapahar, P.S. - Belpahar, District - Jharsuguda - 7  
Odisha.

.....

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

Mr. Gautam Kumar Kejriwal, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-02-2022 Heard Mr. N.K. Agarwal, learned Senior Advocate for the petitioner and Ms. Dr. Indihar Kumari, learned APP for the State.

This is an application for modification of the orders dated 09.09.2021 and 25.10.2021 passed by this Court in Cr. Misc. No. 3684 of 2021.

The petitioner was granted provisional bail by order dated 09.09.2021.

The petitioner was required to surrender before the court below for being granted provisional bail. The Patna High Court CR. MISC. No.6079 of 2022(2) dt.16-02-2022 petitioner did not surrender on time under a mistaken notion that the interim reprieve was granted by way of stay of arrest.

However, the matter was again heard on 25.10.2021, when this Court confirmed the provisional bail granted to the petitioner.

The petitioner would have been well advised to bring to the notice of this Court at that time that he had not surrendered before the court below and had not filed any bail bonds for provisional bail. Obviously, the same mistake on the part of the petitioner continued at that time also.

Mr. Agarwal, learned Senior Advocate for the petitioner submits that the latches are completely on the part of the office of the Advocates handling the matter.

Nonetheless, this Court for the reasons stated in the application directs that in case the petitioner surrenders before the court below within a period of three weeks bringing on record the orders dated Patna High Court CR. MISC. No.6079 of 2022(2) dt.16-02-2022 09.09.2021 and 25.10.2021, he shall be allowed bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 744 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Both the orders stand modified accordingly.

(Ashutosh Kumar, J) krishna/-

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