

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32633 of 2015

Arising Out of PS.Case No. -505 Year- 2009 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Kabutari Devi wife of Late Sri Bhagwan Singh, resident of village- Kaua
Khoeh, P.S.- Dehri, District- Rohtas, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Lalmuni Singh S/o Late Bipin Singh resident of New Sidhauri, Narayan
Tola, P.S.- Dalmia Nagar (Dehri), Distt.- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 21-08-2015 By filing the instant application under Section 482 of

the Code of Criminal Procedure, the petitioner seeks quashing of

the order dated 22.04.2015 passed in Criminal Misc. No. 82 of

2015, whereby the court below has refused to extend time for

executing the bail bond as directed by its earlier order dated

28.05.2010.

The petitioner had been summoned in a complaint case
under Section 498-A of the Indian Penal Code. She preferred an
application under Section 438 of the Code of Criminal Procedure
before the learned Sessions Judge, Rohtas at Sasaram and vide
order dated 28.05.2010 passed in A.B.P No. 628 of 2010, the

learned Sessions Judge directed her to be released in case she surrenders within 15 days from the date of order. The petitioner failed to appear before the court in order to furnish bail bond for about 5 years and, thereafter, the application for modification of the order dated 28.05.2010 was filed before the learned Sessions Judge, on the ground that the petitioner was suffering from illness and under the medical advice she could not surrender earlier. The said petition was rejected by the court below vide impugned order dated 22.04.2015.

I see no error in the order passed by the Court below.

However, taking a sympathetic view of the matter, in case, the petitioner surrenders before the court below within two weeks from today, she is directed to be released on bail on the same terms and conditions as directed by the learned Sessions Judge, Rohtas at Sasaram vide order dated 28.05.2010 passed in A.B.P. No. 628 of 2010.

(Ashwani Kumar Singh, J)

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