

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35823 of 2015

In

Criminal Miscellaneous No. 1312 of 2014

1. Sri Deo Rai, son of Pradeep Rai
2. Sri Bhola Rai, son of Sri Deo Rai,
both resident of Village- Bangraha, P.S- Bajpatti, District- Sitamarhi
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagdish Prasad, Advocate
Mr. Raja Ram Rai, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-09-2015

Heard.

The present application has been filed on behalf of the petitioners for modification of the order dated 21.03.2014 passed in Cr.Misc.No. 1312 of 2014, whereby the petitioners were granted anticipatory bail in connection with Sitamarhi (SC/ST) P.S.Case No. 11 of 2012 pending in the court of the learned Chief Judicial Magistrate, Sitamarhi with certain conditions indicated in that order.

Learned counsel appearing on behalf of the petitioners submits that the aforesaid order dated 21.03.2014 was not communicated to the petitioners within time, therefore, they could not surrender in the court below within four weeks fixed by this Court for furnishing bail bonds. In the aforesaid facts and circumstances, a prayer has been made that the period of surrender may be extended for a reasonable period of time.

Learned Spl.P.P. appearing on behalf of the State has opposed the prayer, but has not disputed the facts stated in the present application.

In the facts and circumstances of the case, the prayer for modification is allowed. The order dated 21.03.2014 passed in Cr.Misc.No. 1312 of 2014 is modified only to the extent that the petitioners shall surrender in the court of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi (SC/ST) P.S.Case No. 11 of 2012 within a period of three weeks from today, whereafter, they shall be released on bail on the same terms and conditions which are indicated in the aforesaid order dated 21.03.2014.

However, if the petitioners fail to surrender within the aforesaid period of time, then the police shall be at liberty to arrest them in connection with the aforesaid criminal case, whereafter they will have seek bail afresh in accordance with the law.

The present application stands finally disposed of with observations and directions made above.

(Birendra Prasad Verma, J)

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