

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18659 of 2015

Arising Out of PS.Case No. -79 Year- 2012 Thana -POTHIYA District- KISANGANJ

1. Anari, wife of Dravesh.
2. Karim, son of Kafiluddin.
3. Jannatun, wife of Karim.
Residents of village-Bakrichara P.S.-Pothiya, District-Kishanganj.
..... Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 21-05-2015 The petitioners were made accused in Pothia P.S.
Case No. 79 of 2012 dated 29.05.2012 registered under Section
498A of the Indian Penal Code.

By order dated 21.03.2013, passed in anticipatory
bail petition no. 24 of 2013, the learned Additional Sessions
Judge, Kishanganj allowed the application filed by the
petitioners under Section 438 of the Code of Criminal
Procedure for grant of anticipatory bail subject to the condition
that the petitioners would have to surrender within three weeks
from the date of passing of the order. The petitioner chose not
to surrender and furnish bail bonds as per direction of the Court

below for quite a long time. Subsequently, on 10.09.2013, an application was filed before the learned Additional Sessions Judge, Kishanganj for extending the period of surrender.

By order dated 13.09.2013, the learned Additional Sessions Judge, Kishanganj rejected the aforesaid application for modification. The said order dated 13.09.2013 passed by the learned Additional Sessions Judge, Kishanganj has been challenged before this Court by filing an application under Section 482 of the Code of Criminal Procedure on 21.04.2015.

Firstly, the petitioners failed to surrender within the stipulated period granted by the court below. Secondly, they filed an application for extension of the period of surrender after about six months of the stipulated period and when the same was rejected by the Court, they approached this Court after about one year and six months.

I am of the view that by their own conduct the petitioners have disintitiled themselves from being released on anticipatory bail. Accordingly, the present application, being devoid of any merit, is dismissed.

However, if the petitioners surrender and seek bail within three weeks from today, the court below shall consider the same on merits without being prejudiced in any manner by

the order passed by this Court or the order dated 13.09.2013
passed by the learned Additional Sessions Judge, Kishanganj.



Sanjeet/-

(Ashwani Kumar Singh, J.)

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