

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16988 of 2015

Arising Out of PS.Case No. -17 Year- 2012 Thana -MEHDIGANJ District- PATNA

=====

1. Arun Kumar Pathak, son of Haridwar Pathak
2. Haridwar Pathak, son of Late Mathura Pathak, Both are resident of village-
Dalipur, P.S.- Jagdishpur, District- Bhojpur, presently residing at Deep Nagar,
Road No. 5, P.S.- Mehdiganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 14-08-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

The present application under section 482 of the Code
of Criminal Procedure has been filed for quashing the order dated
29.08.2014 passed by the learned Sub Divisional Judicial Magistrate,
Patna City in Tr. No.2974 of 2013 arising out of Mehandiganj
P.S.Case No.17 of 2012, by which, due to non-appearance of the
counsel on behalf of the petitioners on the fixed date on 29.08.2014,
the application for dispensing with the personal attendance of the
accused filed under section 317 of the Code of Criminal Procedure
was rejected and non-bailable warrant of arrest was issued against the
petitioners.

It is contended that the petitioners are facing trial under section 498-A read with 34 of the Indian Penal Code and due to non appearance of the counsel on a particular date their bail has been cancelled and non-bailable warrant of arrest has been issued.

Learned counsel for the petitioners submits that the petitioners are law abiding citizen and they are ready to appear before the trial Magistrate on any date which this Court would fix.

Without entering into any other issue, in case the petitioners surrender within two weeks from today, the court below shall allow them to continue on the bail bonds already furnished and in that circumstance, the impugned order dated 29.08.2014 shall be deemed to be set aside. However, in case the petitioners fail to appear before the court within two weeks from today, the order passed by this Court shall not be given effect to and the learned Magistrate shall take all coercive steps to ensure appearance of the petitioners.

With these observations and directions, the application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

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