

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44145 of 2012

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1. Krishnawati Devi, W/O Ram Sundar Sharma, R/O Vill-Areraj, Ps.-Gobindganj, Distt-East Champaran
 2. Rita Devi, W/O Shambhu Sharma, R/O Vill-Areraj, Ps.-Gobindganj, Distt-East Champaran
 3. Kanti Devi, W/O Amerika Sharma, R/O Vill-Areraj, Ps.-Gobindganj, Distt-East Champaran
 4. Santosh Sharma, S/O Shambhu Sharma, R/O Vill-Areraj, Ps.-Gobindganj, Distt-East Champaran

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Ashok Kumar-I, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 07-05-2015 The petitioners have approached this Court in the present proceeding filed under Section 482 Cr.P.C. assailing the validity and correctness of the order dated 13.12.2011 passed in Trial No.1120 of 2011 arising out of G.R.No.270 of 2000 by the learned S.D.J.M., Motihari Sadar, East Champaran, whereby the petitioners have been declared absconders in terms of Section 299 Cr.P.C. The petitioners are also aggrieved by the order dated 27.08.2012 passed in Cr.Rev.No.195 of 2012 by the learned Sessions Judge, Motihari, East Champaran, whereby the aforesaid Criminal Revision Application filed on behalf of the petitioners has been dismissed and the order passed by the learned S.D.J.M., Motihari Sadar, East Champaran has been affirmed.

From the materials available on the record, it is apparent that Govindganj P.S. Case No.14 of 2000 dated 16.02.2000 was registered for the offences under Sections 341,



323, 504/34 of the Indian Penal Code on the basis of the fardbeyan of one Rita Devi. The aforesaid FIR has been brought on record as Annexure-1 to this petition. It is further apparent that since all the offences are bailable one, therefore, by the order dated 29.02.2000 petitioners were granted bail by the learned C.J.M., Motihari, East Champaran. Subsequently, charge-sheet was submitted for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and, accordingly, cognizance was taken by the learned C.J.M., Motihari, East Champaran for the aforesaid offences under Sections 341, 323, 504/34 of the Indian Penal Code by the order dated 02.06.2001. The petitioners surrendered once again with fresh power on 23.07.2001 and they were granted bail. However, thereafter, it appears that no pairvi was being made on behalf of the petitioners and they did not appear on the dates fixed, as a result of which their bail bonds were cancelled by the order dated 26.03.2003. Thereafter, despite all efforts made by the learned court below, the attendance of the petitioners could not be secured. Hence, they were declared permanent absconders by the impugned order dated 13.12.2011 in terms of Section 299 Cr.P.C. The petitioners, being aggrieved by the aforesaid order dated 13.12.2011, filed Cr.Rev.No.195 of 2012, which has been dismissed by the learned Sessions Judge, Motihari, East Champaran by the impugned revisional order dated 27.08.2012.

After having heard the parties and on consideration of the facts, as noticed above, this Court is of the opinion that the impugned orders passed either by the learned Magistrate or by the learned Sessions Judge cannot be legally faulted. However, since all the offences are bailable one and learned counsel appearing on behalf of the petitioners submits that the petitioners are prepared

to appear before the learned Magistrate, therefore, it is directed that, if the petitioners surrender before the learned S.D.J.M., Motihari Sadar, East Champaran within a period of one month from today and make a prayer for bail, then they shall be enlarged on bail to the satisfaction of the learned Magistrate with reasonable condition(s) put by him. Thereafter, the learned Magistrate shall take up the trial of the petitioners on priority basis and all endeavours shall be made to conclude the same at an early date preferably within a period of three months from the date of surrender of the petitioners in the court below.

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

(Birendra Prasad Verma, J)

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