

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1068 of 2015**

Arising Out of PS.Case No. -156 Year- 2014 Thana -DIGHA District- PATNA

Basawan Rai, son of Samuj Rai.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

2 12-01-2015

Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

It would appear from perusal of order dated  
12.09.2014 passed by learned Sessions Judge, Patna in A.B.P. No.  
23092 of 2014 that petitioner was granted privilege of anticipatory  
bail with direction to surrender before the trial court within a  
month from the date of communication of the aforesaid order but  
petitioner could not surrender before the concerned court in time  
and prayed before the learned Sessions Judge, Patna for extension  
of period of surrender which was refused by the learned Sessions  
Judge, Patna vide order dated 08.12.2014.

In my view, this anticipatory bail petition is not  
maintainable and if petitioner is aggrieved by the order dated  
08.12.2014 passed by the learned Sessions Judge, Patna, the

petitioner may challenge the aforesaid order in quashing proceeding.

Accordingly, this petition filed in connection with Digha P.S. Case No. 156 of 2014 stands dismissed being not maintainable giving liberty to petitioner to challenge the impugned order before appropriate forum.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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