

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30573 of 2015

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Suman Sharma Son of Sri Krishna Nandan Sharma Resident of Village -
Barka Gawn, Keshri Nagar, P.S.- Karja, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv

For the Opposite Party/s : Mr. A.Dayal (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-120B, 323, 504, 498(A), 384 and 386 of the Indian Penal Code, this Court would find that the present application seeking extension of the time for surrendering in terms of the order dated 25.10.2013 passed by this Court in Criminal Miscellaneous No. 45669 of 2012, is another way of the petitioner to harass his Wife-Opposite Party No. 2.

Let it be noted that the petitioner having been made accused in the complaint case leading to institution of Parsauni P.S. Case No. 92 of 2011, had filed Criminal



Miscellaneous No. 45669 of 2012 for grant of anticipatory bail and in which an interim protection was given to the petitioner on 18.12.2012, while issuing notice to Opposite Party No. 2, the wife of the petitioner. The said bail application, however was dismissed for default as would be apparent from the earlier order of this Court dated 19.06.2013, which reads as follows:-

“No one appeared on behalf of the petitioner on repeated call.

It appears from perusal of the record that the petitioner was granted provisional anticipatory bail vide order dated 18.12.2012 and the aforesaid provisional anticipatory bail was extended twice by this court. Furthermore, it appears from the record that no notice has been issued to opposite party no.2 as requisites have not been filed on behalf of the petitioner. Moreover, since none has come to press this anticipatory bail petition, this anticipatory bail petition in connection with Parsauni P.S. Case no. 92/2011 stands dismissed for default.”

After the case of the petitioner for grant of anticipatory bail was dismissed for default an application for restoration was filed, being Criminal Miscellaneous No. 30206 of 2013, and once the case was restored and the placed petitioner had been granted the bail on 25.10.2013 with a condition that he must surrender before the Court below within a period of four weeks but he did not do so and has now come out to file



this case Criminal Miscellaneous No. 30573 of 2015 on 06.07.2015, seeking modification of the aforesaid order dated 25.10.2013 with an explanation that the petitioner had remained under an impression that the provisional bail of the petitioner had been confirmed by this Court and therefore he was not required to surrender. Such explanation of the petitioner however has to be only noted for its being rejected.

That being so, this Court would refuse to modify the order dated 25.10.2013, and consequently direct the petitioner to surrender before the Court below within a period of four weeks from today and file his application for grant of regular bail failing which the police must take action for his arrest.

With the aforementioned observation and direction, this application is disposed of.

Let a copy of this order be sent to court below forthwith.

(Mihir Kumar Jha, J)

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