

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31063 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -BARHARIA District- SIWAN

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Rupesh Kumar @ Rupesh Bharti, S/o Kashi Nath Bharti, R/o Village
Sawana, P.S Barharia, District Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate
For the Informant : Mr. Awadhesh Kr. Singh, Advocate
For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 23-11-2016

The petitioner, in the present application, filed under

Section 482 of the Code of Criminal Procedure seeks quashing of
an order dated 29.06.2016 passed by learned Additional District
and Sessions Judge-II, Siwan whereby the petitioner's application
for extension of time earlier granted to him to surrender for the
purpose of his release, on anticipatory bail, has been rejected.

From the records, it transpires that the petitioner was
made an accused in Barharia P.S. Case No. 37 of 2016,
disclosing offence under Sections 147, 149, 347, 323, 324, 325,
427, 504 and 380 of the Indian Penal Code. The petitioner appears
to have filed an application for anticipatory bail before the court of
learned Sessions Judge, Siwan which was registered as ABP No.
474 of 2016. The Court of learned Additional Sessions Judge-II,
Siwan granted him anticipatory bail on his appearance before the
court of learned Chief Judicial Magistrate, Siwan within twenty

days of passing of the order. The petitioner could not appear within twenty days and on 29.06.2016, he applied for extension of time on the ground that being an Engineering student, since he had to appear at an examination, he could not comply with the said order dated 06.05.2016 and he did not appear within twenty days of the said order dated 06.05.2016.

The said application of the petitioner has been rejected by an order dated 29.06.2016, which has been challenged in the present proceeding.

Upon perusal of the two orders dated 06.05.2016 and 29.06.2016, I am of the view that the claim of the petitioner appears to be bona fide. The order dated 29.06.2016 needs to be interfered with exercising inherent jurisdiction under Section 482 of the Cr.P.C.

This application is accordingly allowed. The impugned order dated 29.06.2016 is, hereby, quashed. The time granted by the court below by learned Additional Sessions Judge-II, Siwan in ABP No. 474 of 2016 by order dated 06.05.2016 is hereby extended by three weeks from today.

(Chakradhari Sharan Singh, J)

Vats/-

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