

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29537 of 2016

Arising Out of PS.Case No. -22 Year- 2014 Thana -GHOGHARDIHA District- MADHUBANI

- =====
1. Sita Devi, wife of Suraj Pal.
 2. Rita Devi, wife of Laxman Pal.
Both resident of Village-Pachamaniya, Police Station-Ghoghardiha,
District-Madhubani.
 3. Bina Devi, wife of Saroj Pal, resident of Village-Pahalaspur, Police
Station and District-Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Sri Mujtabaul Haque

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2016

Heard learned counsels for the petitioners and the State.

The petitioners being the mother, brother's wife and sister of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 494 and 498A of the India Penal Code.

Accusation is of torture for non-fulfillment of dowry demands and performing second marriage by the husband of the informant.

It is submitted by learned counsel for the petitioners that the petitioners were granted anticipatory bail by learned District and Sessions Judge, Madhubani vide A.B.P. No. 33 of



2014, a certified copy of which is produced, let it be kept on record. The petitioners could not surrender in pursuance to the order dated 05.07.2014, since they were outside the state as they were not informed. Thereafter, the petitioners filed an application for extension of period of surrender, but the same was rejected by the learned District and Sessions Judge, Madhubani on 07.05.2016 with a liberty to file fresh bail petition, if so desired. Consequently, second bail petition was filed by the petitioners, but learned Sessions Judge, Madhubani in A. B. P. No. 577 of 2016 vide order dated 25.05.2016 rejected the bail petition of the petitioner on the ground that the petitioners have no apprehension and they have misused the privilege of anticipatory bail granted to them.

Since the petitioners were granted bail by learned Sessions Judge, but they failed to furnish the bail bonds within the stipulated time. The present anticipatory bail application is not maintainable, but the aforesaid facts may constitute good ground for consideration of prayer for regular bail.

Keeping in view of the fact that the petitioners were granted anticipatory bail on merits, let the learned Court below consider the prayer for regular bail of the petitioner and preferably disposed of the same on the same day, if the petitioner surrenders

within a period of six weeks in connection with Ghoghardiha P.S.
Case No. 22 of 2014, pending before the Court of learned Sub-
Divisional Judicial Magistrate, Jhanjharpur, Madhubani.

With the above observation, this application is, accordingly,
disposed off.

(Dinesh Kumar Singh, J)

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