

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20947 of 2016

Arising Out of PS.Case No. -1534 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Ashraf Khan @ Ashraf Ali Khan, Son of Akbar Ali Khan
2. Baby Khanam, Wife of Ashraf Khan @ Ashraf Ali Khan,
Both Residents of Village - Chainta Chorma Pathan Tola, P.S. Pakridayal,
District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Musrat Khanam, Wife of Md. Aslam Khan, Resident of Village – Chaita
Chorma Chaita Paithan Toli, P.S. Pakrideyal , District East Champaran,
Presently D/o Nasrul Khan, Resident of Village - Joriyahi, P.S. Bairganania,
District - Sitamarhi

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate.
For the Opposite Party/s : Mr. A. Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-08-2016 Heard both sides.

The petitioners filed this petitioner under Section 482 of the Code of Criminal Procedure for quashing of the order dated 11.01.2016 by which the learned Sessions Judge, Sitamarhi refused to extend the period of surrendering the petitioner in pursuance of the order passed in ABP No. 1913/2014.

The petitioners were granted anticipatory bail on 03.02.2015 passed in ABP No. 1913/2014 but the petitioner did not surrender in the court below and it is stated that the petitioner no. 1 Ashraf Khan @ Ashraf Ali Khan fell ill and the petitioner no. 2 Baby Khanam was looking after the petitioner no. 1. The

learned Sessions Judge has stated in his order refusing the period of surrender that no cogent reason has been stated.

It appears that the petitioners did not surrender in the court below for more than 11 months nor filed any petition in the court below for extension of time before informing the court that the petitioner no. 1 was ill.

Considering the facts aforesaid, I do not find any reason for invoking the jurisdiction under Section 482 Cr.P.C. for extension of the period of surrender. Accordingly, this petition is dismissed.

If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of the petitioners taking into account that that the petitioners were already granted anticipatory bail by the learned Sessions Judge but they could not surrender in time.

(Prabhat Kumar Jha, J)

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