

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6402 of 2017

Arising Out of PS.Case No. -210 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Reena Devi, W/o Shiv Shankar Yadav, resident of Village- Bardiha, Police
Station- Tilauthu, District- Rohtas, Sasaram.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surender Prasad Singh

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 07-04-2017

Heard learned counsel for the petitioner and

the State.

The present application has been filed for
quashing the order dated 24.11.2016 passed by learned Sessions
Judge, Rohtas in Cri. Misc. No. 215 of 2016 whereby the prayer of
the petitioner for extending the period of surrender has been
rejected.

The factual matrix of the case is that the
petitioner was granted anticipatory bail by learned Sessions Judge,
Rohtas at Sasaram vide order dated 03.03.2015 passed in
Anticipatory Bail Petition No. 592 of 2015 in connection with
Sasaram (Tilauthu) P.S. Case No. 210 of 2015 registered for the



offences punishable under Sections 147, 149, 341, 323, 307, 504 and 379 of the Indian Penal Code.

The prosecution case is of assaulting the informant and informant's family members and snatching of gold earring from Nagmati Devi.

It is submitted by learned counsel for the petitioner that the petitioner was granted anticipatory bail vide order dated 03.03.2015 passed in Anticipatory Bail Petition No. 592 of 2015 with stipulation to surrender within a period of one month. Since the petitioner being a housewife was ailing, hence, she could not surrender and execute bail bond.

The petitioner preferred Cri. Misc. No. 215 of 2016 before the learned Sessions Judge, Rohtas at Sasaram for modification of order dated 03.03.2015 to the extent of extending the period of surrender but the same was rejected vide order dated 24.11.2016 passed by learned Sessions Judge, Rohtas on the ground that the petitioner was granted anticipatory bail on 03.03.2015 but after one and half years on 16.11.2016 the Cri. Misc. Petition was filed for extending the period of surrender. Hence, the learned Sessions Judge did not find any cogent ground for extending the period of surrender of the petitioner.

Considering the submissions of the petitioner



coupled with the fact that the petitioner is a lady and it is submitted that neither the petitioner has any criminal antecedent nor she has been involved in any case after grant of anticipatory bail by the learned Sessions Judge vide order dated 03.03.2015, though statement to that effect has not been made in the petition, the order dated 24.11.2016 passed in Cri. Misc. No. 215 of 2016 passed by learned Sessions Judge, Rohtas is hereby set aside. The order dated 03.03.2015 passed in Anticipatory Bail Petition No. 592 of 2015 by learned Sessions Judge, Rohtas is modified to the extend that the period of surrender is extended by three weeks from the date of receipt/production of a copy of this order in connection with Sasaram (Tilauthu) P.S. Case No. 210 of 2015, subject to deposit of Rs.5,000/- by the petitioner before the Rohtas District Legal Aid Committee.

Accordingly, this application is allowed to the extent indicated above.

(Dinesh Kumar Singh, J)

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