

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31442 of 2014

Arising Out of PS.Case No. -88 Year- 2011 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Ravindra Raut S/o Ramashray Raut
2. Elaichi Devi W/o Ramashray Raut
3. Mahapati Devi D/o Ramashray Raut All are R/o village - Laukaria, P.S. Palanwa,
District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 03-08-2017

This Cr. Misc. application under Section 482 of the Cr.P.C. has been filed to quash the order dated 19.04.2014 passed by Sessions Judge, East Champaran, Motihari whereunder the Cr. Misc. application no. 100 of 2013 of this petitioner dismissed.

2. Heard both sides and perused the records.

3. It has been submitted that the petitioners were allowed bail by the Judicial Magistrate, 1st Class, Raxaul in Palanwa P.S. Case no. 88 of 2011 with certain conditions. The petitioners filed bail bonds which were not accepted as they were not to the satisfaction of the court below. The court below rejected the bail bonds and ordered to issue non-bailable warrant of arrest through the Superintendent of Police. The petitioners filed a representation petition on 05.09.2011 which was also rejected. The petitioners had surrendered before the



court below as per directions by the Sessions Judge given in A.B.P no. 1455 of 2012. The learned counsel for the petitioners further submits that the court below refused to accept the bail bonds without considering submissions of the petitioners. There is no need to file fresh application and so the same is fit to be quashed.

4. On perusal of the order dated 19.04.2014 passed in Cr. Misc. no. 100 of 2013, I find that the learned Sessions Judge rejected the prayer of the petitioners observing that the petitioners, if so advised, may file bail petition afresh before the lower court. The order giving liberty to the petitioners to seek bail afresh does not suffer any illegality requiring any interference under inherent jurisdiction.

5. In view of the above facts, the Cr. Misc. application is dismissed. The petitioners, if, prays for bail before the trial court, the same shall be considered on the same day without being prejudiced by the order of this Court and also in view of the observation of learned Sessions Judge given in anticipatory bail application no. 1455 of 2012 as well as in Cr. Misc. no. 100 of 2013, irrespective of the fact that the petitioners could not pray for their bail on account of pendency of this Cr. Misc. application.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
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