

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36634 of 2016

Arising Out of PS.Case No. -635 Year- 2014 Thana -KHAZANIHAT District- PURNIA

- =====
1. Kamal @ Md. Kamaluddin Son of late Abdul Razzaque
 2. Nurab @ Nuren son of Kamal @ Md. Kamaluddin
 3. Firoz Son of Kamal @Md. Kamaluddin
- All Resident of Village Rahmat Nagar, P.S K.Hat (Madhubani) District
Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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

ORAL ORDER

02/ 18-04-2017

Heard learned counsel for the petitioners and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for quashing the order dated 28.06.2016 passed by learned Sessions Judge, Purnea in Criminal Misc. No. 26 of 2016/CIS No. 26 of 2016, whereby petitioners' application for extending the period of surrender in connection with K.Hat (Madhubani) P.S. Case No. 635 of 2014 has been rejected. Further prayer has been made for modification of the order dated 10.02.2015 passed in A.B.P. No. 1613 of 2014 to the extent of extending the period of surrender.

It is submitted by learned counsel for the



petitioners that the petitioners are father and brothers of the husband of the daughter of the informant.

The informant Sahni Khatoon lodged K.Hat (Madhubani) P.S. Case No. 635 of 2014 with accusation under Section 304B/34 of the Indian Penal Code. On conclusion of the investigation the petitioners were not sent up for trial while the husband of the victim and others were charge sheeted but differing with the final form process was issued after cognizance being taken under Sections 498A and 306 of the Indian Penal Code.

The learned Sessions Judge, Purnea vide order dated 10.02.2015 passed in A.B.P. No. 1613 of 2014 granted anticipatory bail to the petitioners with liberty to furnish bail bonds within a period of fortnight.

It is submitted by learned counsel for the petitioners that the petitioners were working outside the State, hence, they could not surrender within the stipulated time and filed Criminal Misc. No. 26 of 2016/CIS No. 26 of 2016 for extending the period of surrender but the same was dismissed by learned Sessions Judge, Purnea vide order dated 28.06.2016.

Learned counsel for the State submits that the petitioners did not surrender within the stipulated period without any cogent explanation.



Considering the nature of accusation and the fact that the petitioners were granted anticipatory bail on merits, the order dated 28.06.2016 passed by learned Sessions Judge, Purnea in Criminal Misc. No. 26 of 2016/CIS No. 26 of 2016 is hereby quashed in the interest of justice. The order dated 10.02.2015 passed in A.B.P. No. 1613 of 2014 is modified to the extent 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 K.Hat (Madhubani) P.S. Case No. 635 of 2014, provided the petitioners are not made accused in any other case during this period.

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

The learned trial court will be at liberty to cancel the bail bonds of the petitioners, if they default for three consecutive occasions.

(Dinesh Kumar Singh, J)

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