

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16558 of 2017

Arising Out of PS.Case No. -285 Year- 2005 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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Anju Devi wife of Satyendra Rai, resident of village + Post - Bajidpur Saidat, P.S. - Bidupur, District - Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party : Mr. Rakesh Kumar, Advocate

For the State : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 14-07-2017

By way of the present application preferred under Section 482 of the Code of Criminal Procedure (for short 'the CrPC'), the petitioner has prayed for quashing of the order dated 16.01.2017 passed by the learned Additional Sessions-V, Vaishali at Hajipur in Sessions Trial No.443 of 2009 whereby the bail of all the accused persons including the petitioner has been cancelled.

2. The petitioner and six others have been made accused in a case registered *inter alia* under Sections 302 of the Indian Penal Code, 27 of the Arms Act and ¾ of the Exclusive Substances Act.

3. On completion of investigation, the police found allegations made in the first information report to be true and the accused persons were sent up for trial and supplying the police papers



to the accused persons under Section 207 of the CrPC, the case was committed to the Court of Sessions for trial.

4. At the stage of framing of charge an application under Section 227 of the CrPC was filed on behalf of the accused persons for discharge. After hearing the parties at length, by a reasoned and speaking order, the learned Additional Sessions-V, Vaishali at Hajipur rejected the application preferred by the accused persons including the petitioner under Section 227 of the CrPC on 03.12.2016 and directed the accused persons to be physically present on 20.12.2016 for framing of charge. It would be evident from the record that on 20.12.2016 none of the accused persons appeared before the Court and the case was adjourned to 07.01.2017 for framing of charge. Even on 07.01.2017 the accused persons failed to appear and the trial court adjourned the matter to 16.01.2017 for framing of charge. It would be evident from the impugned order that on 16.01.2017 also none of the accused persons appeared before the court and, thus, the court was compelled to cancel the bail granted to them.

5. It is submitted by Mr. Krishna Prasad Singh, learned senior counsel for the petitioner that as a matter of fact the petitioner was not aware of the on going proceedings before the trial court and, thus, he could not appear in time. He has submitted that the petitioner would appear before the court for framing of charge. Hence, the



impugned order dated 16.01.2017, whereby her bail was cancelled, be set aside.

6. I find no substance in such argument. There is no illegality in the impugned order dated 16.01.2017 passed by the trial court. The accused persons including the petitioner consecutively disobeyed the direction of the court and not only failed to appear at the stage of framing of charge but no pairvi was made on their behalf.

7. In that view of the matter, I see no merit in the present application. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

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