

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21458 of 2016

Arising Out of PS.Case No. -215 Year- 2015 Thana -NANHPUR District- SITAMARHI

=====

1. Ramashankar Das Son of Raghunath Das
2. Pratima Devi @ Pramila Devi W/o Ramashankar Das
3. Nishu Kumari D/o Ramashankar Das
4. Anil Kumar Das @ Anil Das Son of Ramashankar Das
5. Shanti Devi W/o Anil Das All are residents of Village - Bahera Ranipur,
P.S. Nanpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asmita Devi W/o Sunil Das D/o Suchit Das resident of village - Balaha
Manorath, P.S. Bajpatti, District - Sitamarhi.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. J.N.Thakur(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 11-04-2017 Heard learned counsel for the petitioners and learned
APP for the State.

The present application has been filed for quashing the order dated 11.2.2016 passed by the learned Sessions Judge, Sitamarhi in ABP No. 301 of 2016 whereby the petitioners' second anticipatory bail application has been rejected as not maintainable. The prayer has also been made for quashing the orders dated 2.3.2016 and 15.3.2016 passed in ABP No. 1184 of 2015 whereby the learned Sessions Judge, Sitamarhi twice rejected the petitioners' modification petitions filed with a prayer



for extending the period of surrender, hence the modification of the order dated 24.7.2015 passed in ABP No. 1184 of 2015 was prayed for whereby the petitioners were granted anticipatory bail in a case registered under Section 498A of the IPC.

The factual matrix of the case is that the petitioners preferred ABP No. 1184 of 2015 in Nanpur P.S. Case No. 215 of 2015 registered under sections 498A/34 IPC. The learned Sessions Judge vide order dated 24.7.2015 passed in ABP No. 1184 of 2015 granted anticipatory bail to the petitioners with a condition to surrender and furnish bail bonds within four weeks from the date of order. The petitioners could not surrender within time and preferred an application dated 1.3.2016 for modification of the order dated 24.7.2015 passed in ABP No. 1184 of 2015 which was rejected by the learned Sessions Judge vide order dated 2.3.2016, thereafter the petitioner filed second anticipatory bail application vide A.B.P. No. 301 of 2016 but the same was rejected by learned Sessions Judge, Sitamarhi holding that second anticipatory bail application is not maintainable. Ultimately, the petitioners again preferred second application for modification of order dated 24.07.2015 passed in A.B.P. No. 1184 of 2015 by learned Sessions Judge, Sitamarhi, but the same was also rejected vide order dated 15.03.2016 by learned Sessions Judge on the ground



that petitioners' second anticipatory bail application has been rejected.

Learned counsel for the petitioners submits that the petitioners could not surrender since they were not keeping well. More over, the petitioners are brothers, brother's wife and parents of the husband of the informant.

Considering the nature of accusation and the fact that the petitioners were granted anticipatory bail on merits by the learned Sessions Judge vide order dated 24.7.2015 passed in ABP No. 1184 of 2015, the orders dated 01.03.2016, 02.03.2016 and 15.03.2016 passed by learned Sessions Judge, Sitamarhi in A.B.P. No. 1184 of 2015 and A.B.P. No. 301 of 2016 are hereby quashed. The order dated 24.7.2015 is modified to the extent that the period of surrender of the petitioners is extended by three weeks subject to deposit of rupees five thousand before the Legal Services Authority, Sitamarhi.

Accordingly, this application stands disposed of.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--

