

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19467 of 2014

Arising Out of PS.Case No. -1700 Year- 2007 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

- =====
1. Sri Deepak Srivastava S/o Late Kamta Prasad Srivastava, Age-36 years.
 2. Smt. Sunita Srivastava W/o Late Kamta Prasad Srivastava, Age-53 years
 3. Sri Vikash Srivastava S/o Late Kamta Prasad Srivastava, Age-30 years.
- All are resident of Gyatri Nagar, Navbasta Kurd, P.O. + P.S.-
Madiyanva, Sitapur Road, Dist.- Lucknow (Uttar Pradesh)

.... Petitioners

Versus

1. The State of Bihar
2. Yuthica Prakash @ Julee Age-31 years W/o Sri Amit Srivastava Gyatri Nagar, Navbasta Kurd, P.O. + P.S.- Madiyanva Sitapur Road, Dist.- Lucknow (Uttar Pradesh) Present address C/O Sri Dhiraj Prakash Mohalla- Gangasagar Chowk, Madhubani, Town + P.O. + P.S.- Dist.- Madhubani

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Abhay Kumar Sinha, Advocate
For the Opposite Parties : Mr. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 20-06-2017 Heard both sides.

2. The petitioners seek quashing of the order dated 24.07.2013 and 10.12.2013 passed by SDJM, Madhubani in Complaint Case NO.1700 of 2007 (Trial No.974 of 2013) whereunder the bail bonds of five accuseds were cancelled and office was directed to issue non-bailable warrant of arrest for their appearance fixing the next date on 22.09.2013. The court below as per order dated 10.12.2013 rejected the representation petition of present petitioners as their bail bonds were already cancelled on



24.07.2013. The court below also ordered to issue process under Sections 82 of the Cr.P.C.

3. The counsel for the petitioners submits that the petitioners had moved for quashing the order dated 01.09.2008 passed by SDJM, Madhubani in Complaint Case No.1700 of 2007 whereunder the petitioners were summoned to face the trial. The matter was heard and after admitting the application, the complainant was noticed and proceeding of the court below was stayed as per order dated 24.06.2013 passed in Cr.Misc.No.3459 of 2013. The said order was communicated to the court below under memo no.21218 dated 05.07.2013 but in spite of stay order, the court below cancelled the bail bonds of the petitioners which is against the order of this Hon'ble Court, and the same is fit to be quashed.

4. The learned APP on the other hand opposed the miscellaneous application and submitted that the court below has passed the impugned order as per direction of the Hon'ble Court. In this regard he cited/referred the order dated 10.04.2013 passed by the court below. He further referred the order of this Court passed on 16.05.2012 in Cr.Misc.No.18431 of 2012 whereunder one of the accused, namely, Amit Srivastav @ Amit Kumar Srivastava was allowed anticipatory bail provisionally with



certain conditions.

5. On perusal of the impugned order as well as material on record, I find that the accuseds have violated the condition of Section 438(2) Cr.P.C. and also the undertaking given by them at the time of furnishing bail bonds. The court below in his order dated 13.05.2013 has observed that the accused has not obeyed the order of the Hon'ble Court as well as direction given by him.

6. In the facts and circumstances of the case, as stated above, I do not find any merit in this criminal miscellaneous and is accordingly, dismissed.

(Sanjay Kumar, J)

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