

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50307 of 2016

Arising Out of PS.Case No. -128 Year- 2013 Thana -BELSAND District- SITAMARHI

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Md. Islam S/o Nathuni Miya R/o Village- Pandrahi, P.S. Belsand, District Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar
2. Md. Madan S/o late Sulijan Miya R/o - Kansar, P.S. Belsand, District - Sitamarhi.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 03.08.2016 passed by the learned Session Judge, Sitamarhi in ABP No.146 of 2016 whereby he has refused to extend the time to surrender in the court below and furnish bail bond in furtherance of order of grant of anticipatory bail dated 25.01.2014 passed in ABP No. 146 of 2014 by learned Session Judge, Sitamarhi in connection with Belsand P.S. Case No. 128 of 2013 registered under Sections 447, 341, 323, 324, 354, 308/34 of the Indian Penal Code.

2. It has been submitted by the learned counsel for the petitioner that since the petitioner had gone out of State to earn



livelihood and the pairvikar of the case did not inform about the grant of bail, he could not surrender in the court below on time.

3. I have heard learned counsel for the petitioner and perused the record.

4. On repeated calls, nobody has appeared on behalf of the State.

5. It would be manifest from the record that by order dated 25.01.2014, the petitioner was granted pre-arrest bail on condition that he had to appear before the court and furnish bail bond and sureties in terms of order within four weeks from the date of the order. The petitioner failed to appear before the court within the stipulated period of four weeks. He, subsequently, filed an application on 16.06.2014 for extension of time to surrender before the court and furnish bond and sureties, but the same was rejected by the learned Session Judge, Sitamarhi on the same day. Even thereafter, the petitioner did not surrender. He filed another application in the year 2016 seeking extension of time, which has been rejected by the court below vide impugned order dated 03.08.2016.

6. In view of the conduct of the petitioner, I am of the opinion that no ground for interference with the impugned order dated 03.08.2016 passed in ABP No. 146 of 2016 is made out.



Accordingly, the application is dismissed.

7. However, in case the petitioner surrenders and seeks bail within four weeks from today, the court below shall consider the same sympathetically without being prejudiced in any manner by the order dated 03.08.2016 passed by the learned Session Judge, Sitamarhi or the order passed by this Court and shall dispose of the same keeping in mind that earlier the petitioner was granted pre-arrest bail by the learned Session Judge, Sitamarhi in ABP No. 146 of 2014.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2017
Transmission Date	04.09.2017

