

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59373 of 2017

Arising Out of PS. Case No.-88 Year-2014 Thana- NASRIGANJ District- Rohtas

Anil Kumar @ Anil Singh, son of Raja Singh, resident of Village- Dubauli,
Police Station- Garahni, District- Bhojpur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2018 The petitioner was granted bail in anticipation of his arrest by the learned Sessions Judge, Rohtas at Sasaram, vide order, dated 24.11.2014 passed in Anticipatory Bail Petition No. 1374 of 2014 in connection with Nasriganj P.S. Case No. 88 of 2014, dated 13.06.2014 which was instituted for the offences under Section 379, 411, 120B of the Indian Penal Code and Section 40(1) of Bihar Minerals Act and Sections 33, 41, 42 and 52 of the Indian Forest Act, with the condition that if the petitioner surrenders before the court below within six weeks from the date of passing of the order when he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- with sureties of the like amount each.

The aforesaid order passed by the learned Sessions Judge was not communicated to the petitioner by his counsel and, therefore, the petitioner could not surrender and seek bail, as directed by the Sessions



Court, on time.

Having realized this folly, he preferred an application before the learned Sessions Judge, Rohtas at Sasaram vide Cr. Misc. No. 51 of 2017, seeking extension of time for surrendering before the court.

The aforesaid prayer though was rejected, but the petitioner was directed to appear before the court below within 15 days, whereupon the court below was directed to pass an order in accordance with law without being prejudiced by the fact that no such extension was awarded by the learned Sessions Judge.

Considering the circumstances of the case and the nature of accusation against the petitioner, it is directed that if the petitioner surrenders before the court below and prays for bail, the court below shall pass orders in accordance with law preferably on the same day, on taking into account that he was granted the privilege of anticipatory bail earlier but he could not surrender before the court below on time because of non-communication of the order to him by his counsel.

This petition is accordingly disposed off.

skm/-

(Ashutosh Kumar, J)

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

