

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27621 of 2018

Arising Out of PS.Case No. -422 Year- 2017 Thana -NAUTAN District- WESTCHAMPARAN (BETTIAH)

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1. Rakesh Tiwari @ Rakesh Kumar Tiwari, Son of Paramhans Tiwari,
 2. Sudhanshu Singh @ Sudhanshu Kumar Singh, Son of Vijay Singh.
 3. Vijay Sah @ Vijay Kumar Sah, Son of Mukum Sah.
 4. Narayan Sahani, Son of Babu Lal Sahani.
 5. Sudama Ram, Son of Chanar Ram,
 6. Jata Shankar Singh, Son of Late Ram Sevak Singh.
 7. Pintu Singh, Son of Sheo Nath Singh.
 8. Baliram Dubey, Son of Late Gangadhar Dubey.
 9. Shree Kant Sharma, Son of Mahendra Sharma,
 10. Manjeet Singh @ Manjeet Kumar Singh, Son of Jainarayan Singh, All are resident of Village- Jagdishpur, Police Station Jagdishpur, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.7, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C') has been filed by the petitioners for quashing the order dated 16.12.2017 passed by the learned 5th Additional Sessions Judge, West Champaran, Bettiah in ABP No.2052 of 2017 arising out of Nautan (Jagdishpur) P.S. Case No.422 of 2017 whereby the application filed by the petitioners for extension of period of surrender and furnishing bail bond before the court below was rejected.



2. It is submitted by the learned counsel for the petitioners that due to unavoidable and compelling reasons the petitioners could not surrender within the stipulated period of two weeks granted by the court below vide order dated 29.11.2017. However, an application was immediately filed for extension of the period for furnishing bail bond, but the court below vide its impugned order dated 16.12.2017 rejected the application of the petitioners. He submitted that the petitioners are poor villagers and due to communication gap with their advocate they could not surrender within the stipulated period granted by the court below. He contended that there was neither any deliberate nor any willful laches on behalf of the petitioners.

3. Learned counsel for the State does not oppose the application filed by the petitioners. He contended that since the petitioners have been already granted pre-arrest bail, the prosecution is not interested in delaying the matter further. In other words, he supported the plea of the petitioners, but with a rider that the petitioners should be directed to surrender forthwith.

4. In reply, learned counsel for the petitioners submitted that the petitioners are ready to surrender and furnish bail bond as per the direction of this Court.

5. Having regard to the facts and circumstances of the



case, keeping in mind the interest of justice, the impugned order dated 16.12.2017 passed by the learned 5th Additional Sessions Judge, West Champaran, Bettiah in ABP No.2052 of 2017 is set aside. The petitioners are directed to surrender within two weeks from today and furnish bonds and sureties in terms of the pre-arrest bail granted to them by the court below itself. In case, the petitioners fail to appear before the learned Magistrate concerned within two weeks from today, he shall be free to take all coercive steps in order to ensure their appearance before the court.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07-09-2018
Transmission Date	07-09-2018

