

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52255 of 2017

Arising Out of PS.Case No. -179 Year- 2013 Thana -DUMRA District- SITAMARHI

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1. Most. Sunita Devi, Wife of Late Navin Kumar Yadav, Resident of village- Manpaur, P.S.- Bela, District- Sitamarhi.
 2. Fakir Mohammad, Son of Md. Samsul, resident of Village- Siswa, P.S.- Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jagatnarayan Rai, Son of Late Sita Shran Rai, Resident of Village- Manpaur, P.S.- Bela, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-07-2018

By way of the present application preferred under

Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the order dated 13.09.2017 passed by the learned Session Judge, Sitamarhi in connection with A.B.P No.948 of 2017 arising out of Dumra P.S. Case No. 179 of 2013 by which he has rejected the prayer of the petitioners for seeking extension of period of their surrender granted by him vide order dated 08.08.2017 passed in A.B.P. No. 948 of 2017.

It is submitted by the learned counsel for the petitioners that due to unavoidable and compelling reasons the petitioners could not appear in time as directed by the learned Sessions Judge vide order dated 13.09.2017 passed in A.B.P



No.948 of 2017. It is further contended that the petitioners are ready to abide by any condition which this Court would impose and appear before the court as and when directed. It is urged that the petitioners are law abiding citizens and in case they are not allowed to furnish bond as directed by the learned Sessions Judge vide order dated 13.09.2017 passed in A.B.P No.948 of 2017, they would suffer irreparable loss and injury.

Without going into the legality of the order dated 08.08.2017, I deem it fit and proper in the facts and circumstances of the case that in case the petitioners appear before the Court of concerned Magistrate on or before 30th July, 2018, they shall be released on the terms and conditions set out in the order dated 08.08.2018 passed by the learned Sessions Judge, Sitamarhi in A.B.P. No. 948 of 2017.

In case, the petitioners fail to appear before the court below by 30th July, 2018, the court below shall take all coercive steps in order to ensure appearance of the petitioners before it.

The application stands disposed of.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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