

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59699 of 2017

Arising Out of PS. Case No.-962 Year-2011 Thana- COMPLAINT CASE District- Jamui

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1. Anwar Imam @ Md. Anwar Imam, son of Manzar Imam,
2. Manzar Imam, Son of Late Abdul Jabar.
Resident of Village- Gandhi Gramund Moti Masjid, Police
Station- Hind Pidi, District- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shahina Parween, daughter of Md. Salahuddin, Resident of Village-
Chandradeep, Police Station- Chandradeep, District- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Sri Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-09-2018 The petitioners are aggrieved by the order dated 26.05.2017 passed by the learned S.D.J.M., Jamui in Complaint Case No. 962 C of 2011 by which the bail bonds of the petitioners have been cancelled and non-bailable warrant of arrest has been ordered to be issued for the reason that they failed to appear personally before the learned S.D.J.M., Jamui on 26.05.2017 when the case was fixed for charge.

Learned counsel for the petitioners submits that the petitioners had earlier moved this Court in Cr. Misc. No. 29446 of 2014 challenging the order taking cognizance and issuance of summons to the petitioners by the learned S.D.J.M., Jamui vide order dated 30.11.2011. It is stated that in the said criminal miscellaneous application, this Court while issuing notice to the complainant on 27.08.2015 stayed the further proceeding in Complaint Case No. 962



C of 2011. It is submitted that on 26.05.2017 the order of stay was still operating but the learned S.D.J.M. refused to accept the representations filed under Section 317 of the Cr.P.C. on behalf of the petitioners and cancelled the bail bonds as also issued non-bailable warrant of arrest.

Learned counsel for the State is present.

This Court has gone through the order dated 27.08.2015 passed in Cr. Misc. No. 29946 of 2014 as also the final order dated 03.07.2017 passed by this Court in the said criminal miscellaneous case. It is evident that that on 26.05.2017 the order of the stay was operating and if this was the position on that day, learned S.D.J.M., Jamui has definitely committed a wrong by rejecting the application under Section 317 Cr.P.C. and cancelling the bail bonds of the petitioners.

The order dated 26.05.2017 passed by the learned S.D.J.M., Jamui is hereby set aside. The petitioners shall now appear before the learned court below and shall facilitate further progress in the case.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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