

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38788 of 2016

Arising Out of PS.Case No. -513 Year- 2014 Thana -BARAUNI District- BEGUSARAI

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1. Ajad Kumar Bharti, son of Ram Bhagat Rai, Resident of Village- Chakiya Barauni, P.S.- Barauni, District- Begusarai.
 2. Subhash Chaudhary, son of Kusheshwar Chaudhary, Resident of Village- Tola Nakhan Vibhutipur, P.S.- Vibhutipur, District- Samastipur.
 3. Biko Rai @ Bhikho Ray son of Late Basant Rai, Resident of Village- Chakia, P.S.- Barauni, District-Begusarai.
 4. Amit Kumar Gupta, son of Vishundeo Gupta, Resident of Village- Maheshbari, P.S.- Sono, District- Jamui.
 5. Praveen Kumar Singh, son of Rambahadur Singh, Resident of Village- Jamariya Tilrath, P.S.- Barauni, District- Begusarai.
 6. Shyam Singh, son of Mahendra Singh, Resident of Village- Chakbali, P.S.- Matihani, District- Begusarai.
 7. Chandan Sah, son of Ramballi Sah, Resident of Village- Rechayahi, P.S.- Matihani, District- Begusarai.
 8. Tuntun Sah, Son of Ramballi Sah, Resident of Village- Rechayahi, P.S.- Matihani, District- Begusarai.
 9. Shivananda Singh @ Siba Singh son of Bhagwan Singh, Resident of Village- Ramdiri Jagatpura, P.S.- Barauni District- Begusarai.
 10. Prahlad Singh son of Baleshar Singh, Resident of village- Bihat, P.S.- Barauni District- Begusarai.
 11. Lalan Ray, son of Ramchandra Ray, Resident of Chakiya, P.S.- Barauni District- Begusarai.
 12. Sharwan Kumar, son of Lakhandeo Singh, Resident of Village- Chakiya, P.S.- Barauni District- Begusarai.
 13. Anil Tanti son of Ramdas Tanti, Resident of Village- Chakballi, P.S.- Barauni District- Begusarai.
 14. Anil Jha, son of Awdhesh Jha, Resident of Village- Jamuaa, P.S.- Barllishganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar



.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-01-2018

The petitioners are aggrieved by the order dated 28.07.2016 passed in Criminal Miscellaneous No.14 of 2016 by the learned Sessions Judge, Begusarai by which he has rejected the application for extension of time for surrender in connection with Barauni P.S. Case No.513 of 2014 dated 17.12.2014 instituted for the offences punishable under Secitons 147, 149, 341, 323, 337, 427 and 353 of the Indian Penal Code.

2. It is submitted by the learned counsel for the petitioner that the petitioners were granted pre-arrest bail by the learned Sessions Judge, Begusarai vide order dated 28.06.2016 passed in A.B.A. No.858 of 2016 and were granted fifteen days' time to surrender. Since the petitioners are labourer,. after handing over their files to the learned Advocate, they went outside the State of Bihar to earn livelihood and the Advocate conducting the case could not communicate them regarding the nature of order passed by the court below and, thus, they could not surrender within the stipulated period of fifteen days. They filed modification application for extension of time which was rejected vide order dated 28.07.2016. He submitted



that in case the order passed by the learned Sessions Judge, Begusarai is not set aside and an opportunity is not given to the petitioners to appear before the court concerned, they would be sent to custody for no fault of their own. He also submitted that the petitioners undertake to appear before the court concerned and furnish bonds and sureties as directed by the learned Sessions Judge, Begusrai in A.B.A. No.858 of 2016 on or before 15th February, 2018.

3. On the other hand, learned counsel for the State submitted that no ground for setting aside the order passed by the learned Sessions Judge, Begusrai is made out. However, in the interest of justice, if the Court feels proper, it may give an opportunity to the petitioners to appear before the court concerned to furnish bonds and sureties as directed by the learned Sessions Judge, Begusrai.

4. In view of the submissions made on behalf of the parties, the application is allowed. The impugned order dated 28.07.2016 passed by the learned Sessions Judge, Begusrai is set aside.

5. The petitioners are directed to appear before the Magistrate concerned on or before 15th February, 2018 and furnish bonds and sureties in terms of the directions given by the learned Sessions Judge, Begusrai vide order dated 28.06.2016 passed in A.B.A. No.858 of 2016. In case the petitioners fail to appear before the Magistrate concerned and furnish bonds and sureties as directed



above on or before 15th February, 2018, the learned Magistrate would be at liberty to take all coercive steps against the petitioners in order to secure their appearance.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.01.2018
Transmission Date	28.01.2018

