

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43208 of 2018

In
Criminal Miscellaneous No.36840 of 2008

Arising Out of PS. Case No.- Year- Thana- District- Saran

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1. Suresh Singh @ Tuntun Singh, S/o Tulsi Singh,
 2. Dinesh Singh @ Pappu Singh S/o Tulsi Singh,
 3. Sona Kuwar W/o Biresh Kumar Singh,
 4. Jamun Devi W/o Suresh Singh @ Tuntun Singh, All are Residents of Vill.- Babhanwaliya, P.O. Dharmapura, P.S.- Daudpur, District- Saran (Chpara).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Baby Devi W/o Umesh Singh, D/o Nandu Singh, Residents of Vill. Babhanwaliya, P.O. Dharmapura, P.S.- Daudpur, District- Saran (Chapra), at present R/o Vill.- Bagoiya, P.O.- Madan Sath, P.S.- Daudpur, District- Saran (Chapra).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-08-2018 Heard the learned counsel for the parties.

The petitioners have approached this Court seeking modification of the order dated 24.06.2009 / extension of time for their surrendering before the court below.

The petitioners are the relatives of the husband of O. P. No. 2, who have been made accused in a case instituted under Section 498 A of the I.P.C. and 3 and 4 of the Dowry Prohibition Act.

The petitioners were granted anticipatory bail



by a Bench of this Court in Cr. Misc. No. 36840 of 2008 on 24.06.2009, subject to the condition of their surrendering before the court below within a period of four weeks from the date of passing of the order.

Mr. Bashisth Narayan Mishra, learned advocate for the petitioners has submitted that during the pendency of the complaint case, a settlement was arrived at between O. P. No. 2 and her husband and thereafter they started living together.

The husband of the O. P. No. 2 appeared before the court below along with O. P. No. 2 and prayed for bail, which was granted to him.

The petitioners were under a mistaken notion that with the settlement of dispute between the husband and wife, they were not required to surrender before the court below within the period / time stipulated by the order dated 24.06.2009.

Hence, the present prayer is for modification of the order granting further time to the petitioners to surrender before the court below.

No modification of the order, which has been passed in the year 2009, can be directed in the year 2018. A wrong presumption about law is also not a ground for modification of any judicial order.

However, looking at the circumstances of the



case and the background facts, especially that the warring spouses have settled their differences and the husband of O. P. No. 2 is on bail, the petitioners are directed to surrender before the court below within a period of four weeks from today, when the court below shall take in account that they were granted anticipatory bail, way back in the year 2009 and that the dispute between the complainant / Opposite Party No. 2 and her husband has already been settled as well as the fact that the husband of O. P. No. 2 has been granted bail, and shall pass orders in accordance with law, preferably on the same day.

With the aforesaid direction / observation, the petition is disposed off.

(Ashutosh Kumar, J)

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