

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.25808 of 2018**

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

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Munni Lal Paswan, S/o Late Mathura Paswan, R/o Vill.- Jagdishpur, P.S.-  
Jagdishpur, District- West Champaran. .... Petitioner

Versus

The State of Bihar .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Prem Kumar Jha, Advocate  
Mr. Tuhin Shankar, Advocate  
Mr. Rajesh Kumar Jha, Advocate  
For the State : Mr. Ajay Kumar-1, 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 'CrPC') has been filed by the petitioner for quashing the order dated 10.01.2018 passed in ABP No.2052 of 2017 arising out of Nautan (Jagdishpur) P.S. Case No.422 of 2017 by the learned Additional Sessions Judge-5<sup>th</sup>, West Champaran, Bettiah whereby the application filed by the petitioner 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 petitioner that due to unavoidable and compelling reason the



petitioner could not surrender within the stipulated period of two weeks granted by the court below vide its order dated 16.12.2017. However, an application was immediately filed for extension of the period for furnishing bail bond, but the court below vide its impugned order dated 10.01.2018 rejected the application of the petitioner. He submitted that initially when the petitioner was granted pre-arrest bail by the court below, there was typographical error in his name for which he had to file an application for modification. After the modification application was allowed and the court granted two weeks further time to the petitioner to surrender before the court below due to the christmas vacation, the petitioner could not meet his counsel as a result of which, he could not know about the nature of the order passed by the court below. He contended that there was neither any deliberate nor any willful laches on behalf of the petitioner.

3. Learned counsel for the State does not oppose the application filed by the petitioner. He contended that since the petitioner has 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 petitioner, but with a rider that the petitioner may surrender forthwith.

4. In reply, learned counsel for the petitioner



submitted that the petitioner is ready to surrender and furnish 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 10.01.2018 passed by the learned Additional Sessions Judge-5<sup>th</sup>, West Champaran, Bettiah in ABP No.2052 of 2017 is set aside. The petitioner is directed to surrender within two weeks from today and furnish bonds and sureties in terms of the pre-arrest bail granted to him by the court below itself. In case, the petitioner fails 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 his appearance before the court.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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