

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53146 of 2018

Arising Out of PS.Case No. -50 Year- 2014 Thana -PATAHI District- EASTCHAMPARAN
(MOTIHARI)

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1. Archana Kumari @ Anchala Kumari D/o Ram Nagina Ram
2. Shail Devi W/o Ram Nagina Ram
Both are residents of Village - Barashankar (Purwari Tola), P.S. - Patahi,
District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Adv.

For the Opposite Party/s : Sri Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 05-09-2018

Heard learned counsel for the petitioners as well as
learned A.P.P.

Vide order dated 29.07.2016 passed in Cr. Misc.
No.23518/2016 while dismissing the prayer for anticipatory
bail, petitioners were directed to surrender before the learned
lower court and pray for regular bail. In case so filed, learned
lower court was directed to consider the subsequent event
whereunder case has been compromised, favourably. Instead
of surrendering before the learned lower court in compliance of
the order dated 29.07.2016, petitioners have again approached
before the Sessions Judge under anticipatory bail petition
no.175/2016 which was rejected on 03.02.2016. Then
thereafter this petition has been filed on 16.01.2018 after
consuming approximately two years.

The learned counsel for the petitioners have
submitted that an opportunity should be given to the



petitioners to surrender with a privilege which they were allowed under the order dated 29.07.2016 on two grounds, firstly happens to be lady and secondly petitioner Archana Kumari @ Anchala Kumari got married. In the aforesaid backdrop it has also been submitted that up till now charge sheet has not been submitted.

The learned A.P.P. opposed the prayer.

How the legal system is being misused, this happens to be a glaring example. The occurrence is of the year 2014 and since thereafter, on one pretext or other petition after petition is being filed in spite of giving liberty to the petitioners. That being so, there happens to be malafide activity at the end of the petitioners whereupon did not attract sympathy. Consequent thereupon, prayer is rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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