

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19462 of 2018

Arising Out of PS.Case No. -169 Year- 2011 Thana -
RAMPUR District- GAYA

- =====
1. ZARINA KHATOON @ JARINA, W/o Late Akbar Mian,
 2. Baby Khatoon W/o Shamim Khan,
 3. Suman Khatoon @ Babu Khatoon W/o Munna Khan,
 4. Rikshar Khatoon @ Rukhsar Khatoon @ Rukshar Khatoon
W/o Md. Naushad , R/o Paharpur Police Colony, P.S.-
Anisabad, District- Patna.
 5. Md. Quashim Khan @ Md. Quashim S/o Ahmad Khan,
Petitioner No. 1,2,3 & 5 are R/o Mohalla- Choudharana
Paschim Tola, P.S.- Arrah Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. Dr. Indihar Kumari

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 2 07-05-2018 The petitioners have challenged the order dated 07.02.2018 passed by the learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 169 of 2011 whereby the bail bonds of the petitioners have been cancelled on the ground of their not having appeared before the Court on all the dates, as directed by a Bench of this Court vide order dated 07.02.2014 while granting the privilege of anticipatory bail to the petitioners.

The learned counsel for the petitioners has placed on record the certified copy of the order-sheet of the Court



below which indicates that but for two days, i.e. 16.10.2017 and 04.01.2018, the petitioners had appeared on all dates since 2014 i.e. after the order granting anticipatory bail to them. It has further been submitted that on the two dates on which the petitioners did not present themselves, an application was filed by them seeking their exemption.

The order dated 07.02.2014 passed by this Court clearly indicates that in case the petitioners shall not appear on each and every date fixed by the Court below, in absence of any reasonable ground, the bail bonds of the petitioners shall be cancelled.

The learned counsel for the petitioners has submitted that there were reasonable grounds for the petitioners for their being absent on two dates but the Court below, without adverting to the aforesaid grounds and without looking at the fact that the petitioners had been presenting themselves before the Court below on all dates since 2014, cancelled the bail bonds of the petitioners.

Under such circumstances, the order dated 07.02.2018 passed by the learned Chief Judicial Magistrate, Gaya is set aside.

The petitioners shall present themselves on all dates before the learned Trial Court and shall not absent themselves without there being any plausible reason. In case



of their absence before the Trial Court for two consecutive dates without any plausible reason, they would make themselves liable for their bail bonds to be cancelled.

With the aforesaid observations, the petition is disposed of.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

