

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

**Criminal Miscellaneous No.21175 of 2018**

Arising Out of PS.Case No. -35 Year- 2014 Thana -KADAMKUAN District-  
PATNA

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1. Kiran Devi, W/o Sunil Singh @ Sunil Kumar Singh,  
2. Anjani Kumar Singh @ Anjani Kumar, Son of Late Puna Singh,  
Both residents of Village-Ghosaith, P.S.- Piri Bazar, District- Lakhisarai, at present  
address at Mohalla-Lohanipur, P.S.- Kadam Kuan, District- Patna.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 27-08-2018**

Heard learned counsel for the petitioners and learned  
counsel for the State.

2. This application under Section 482 of the Code of  
Criminal Procedure (for short 'CrPC') has been filed by the  
petitioners for quashing the order dated 07.12.2017 passed by the  
learned Judicial Magistrate-1<sup>st</sup> Class, Patna in Kadam Kuan P.S.  
Case No. 35 of 2014 whereby she has cancelled the bail bonds of  
the petitioners and issued non-bailable warrant of arrest against  
them.



3. It is submitted by the learned counsel for the petitioners that petitioner No. 2 is a constable in CRPF posted at Srinagar whereas petitioner No. 1 is residing in village Ghosaith, Lakhisarai. The *pairvi* of the case was entrusted to a local counsel, who did not inform about the ongoing proceedings of the case. He contended that the petitioner No. 2 was on duty and was not getting leave in order to attend the proceedings of the case and, thus, an application under Section 317 of the CrPC was filed on behalf of the petitioners on 07.02.2017 for dispensing with their personal attendance but the learned Magistrate not only rejected the application preferred on behalf of the petitioners but also cancelled the bail bonds of the petitioners.

4. On the other hand, learned counsel appearing for the State submitted that the petitioners failed to appear on several dates and the case was fixed for supplying the necessary documents as prescribed under Section 207 of the CrPC. He submitted that there is neither any illegality nor any irregularity in the order passed by the learned Magistrate.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in mind the fact that petitioner No. 1 is lady and petitioner No. 2 is employed as a constable in CRPF and



he is posted in a disturbed area at Srinagar, the order impugned dated 07.12.2017 is set aside subject to the condition that the petitioners shall appear before the court below on or before 15<sup>th</sup> of September, 2018 and receive the documents supplied by the court in compliance of Section 207 of the CrPC without raising any objection or seeking any adjournment. They should also file an affidavit that they would be personally present on the date fixed for commitment of the case by the court as also on any other date on which the court would require their presence. In case, the petitioners fail to appear before the court within the stipulated time, the court below shall be at liberty to take all coercive steps against the petitioners in accordance with law.

7. With the aforesaid observations and direction, the application is allowed.

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

Sanjeet/-

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