

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30207 of 2019

Arising Out of PS. Case No.-39 Year-2004 Thana- PAKARIBARAW District- Nawada

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1. JITU MAHTO Son of Late Lakshu Mahto Resident of Village-Puraini Juri, P.S-Giriak, District-Nawadah.
 2. Sabiya Devi W/o Jitu Mahto Resident of Village-Puraini Juri, P.S.-Giriak, District-Nawadah.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hansraj
For the State		Mr. R.B. Ray 'Raman', APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Pakribarawan P.S. Case No. 39 of 2004, disclosing the offence punishable under Sections 304-B and 201/34 of the Indian Penal Code.

It is a peculiar situation. The petitioners are father-in-law and mother-in-law of the deceased and were granted the privilege of anticipatory bail by an order of this Court dated 18.03.2010, passed in Cr. Misc. No.38582 of 2009, in the event of their arrest/surrender within four weeks from the said date. They were required to furnish their bail bonds before the court below. They did not surrender and furnish



their bail bonds, despite order of this Court dated 18.03.2010. It is difficult for this Court to comprehend that in what circumstance, the petitioners failed to avail the privilege which was granted to them by the order of this Court dated 18.03.2010.

Learned counsel for the petitioners states that possibly because of incorrect legal advice or no advice at all, the petitioners again filed an application for anticipatory bail before the Sessions Judge, Nawada, which has been rejected by order dated 29.10.2018 with the observation that they should surrender before the court below within four weeks and seek regular bail.

The second anticipatory bail application, seeking same relief, which was already granted to the petitioners, in my view, cannot be maintained.

In the facts and circumstances, it is directed that if the petitioners appear before the court, where the matter is pending and seek regular bail, the court below shall consider passing appropriate order on the same day, in the light of the order of this Court dated 18.03.2010, passed in Cr. Misc. No. 38582 of 2009.



This application is disposed of with the
aforesaid observation/direction.

(Chakradhari Sharan Singh, J)

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