

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40568 of 2019

Arising Out of PS. Case No.-60 Year-2017 Thana- MAJHAULIA District- West Champaran

Dilip Sahani, son of Dasai Sahani, resident of Village- Kathiya Naya Tola,
Senuariya, Police Station- Majhauliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7
For the State : Mr. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-07-2019 The petitioner along with others was granted anticipatory bail vide order dated 23.08.2017 passed by the learned Sessions Judge, West Champaran at Bettiah in connection with Majhauliya P.S. Case No. 60 of 2017 which was instituted for the offences under Sections 147, 148, 149, 323, 324, 387 of the Indian Penal Code and Section 27 of the Arms Act.

The Court below had directed that in the event of the petitioners surrendering before the Court below within one month of the passing of the order, they shall be released on bail on their furnishing bail bond of a sum of Rs. 10,000/- with two sureties of the like amount.



Some of the beneficiaries of the order surrendered before the Court below on time and they were granted bail. The petitioner, because of his poverty had gone out of the State of Bihar to earn his livelihood and therefore he could not surrender within time. A prayer was thereafter made by the petitioner before the Court below to extend the period of surrender but the same was rejected without giving any reason.

This Court is satisfied with the reasons provided in the petition for not surrendering before the Court below as directed by the learned Sessions Judge, West Champaran at Bettiah vide his order dated 23.08.2017.

In the nature of the accusation levelled against the petitioner, his social background and the fact that all others except one are on bail, the learned Sessions Judge ought to have considered extending the time for the petitioner to surrender before the Court below.

The order dated 21.01.2019 passed by the learned Sessions Judge, West Champaran at Bettiah



therefore is set aside.

The matter is remitted to the Court of learned Sessions Judge, West Champaran at Bettiah, who shall pass a fresh order indicating the period within which the petitioner would now surrender before the Court below.

With the aforesaid observation/direction, the petition stands disposed of.

(Ashutosh Kumar, J)

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