

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39163 of 2019

Arising Out of PS. Case No.-139 Year-2015 Thana- EKMA District- Saran

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1. Deepak Rai, aged about 29 years, male, Son of late Ramashankar Rai.
 2. Rekha Devi @ Rakha Rai, aged about 26 years, female, Wife of Deepak Rai.
Both residents of Village - Tilawa, P.S.- Rewatipur, Distt.- Gajipur (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-07-2019 The petitioners, who are the relatives of the husband of the informant, seek quashing of the order dated 07.03.2019 passed by the learned Sessions Judge, Saran at Chapra in Cr. Misc. No. 58 of 2019, whereby the prayer made on their behalf for extension of time for surrendering before the Court below for grant of bail has been rejected and has prayed, in the alternative, that they be permitted to surrender before the Court below to take advantage of the



bail which was granted to them by the Court below on 26.08.2016.

2. It appears that the petitioners were granted the privilege of anticipatory bail *vide* order dated 26.08.2016 passed in A.B.P. No. 2115 of 2016 (*Ekma P.S. Case No. 139 of 2015*) with a direction to surrender before the Court below within a period of one month from the date when the Court below was directed to grant them bail. Some other accused persons surrendered in time, but the order could not be communicated to the petitioners and, therefore, they did not surrender.

3. Instead of seeking extension of time to surrender before the Court below, an attempt was made by the petitioners to file an anticipatory bail afresh *vide* A.B.P. No. 4439 of 2018 before the Court below, which was rejected *vide* order dated 08.01.2019 on the ground of the same not being maintainable.

4. The aforesaid order dated 08.01.2019 was again challenged by the petitioners before this Court *vide* Cr. Misc. No. 7383 of 2019, which too was rejected *vide* order



dated 15.02.2019, but with a direction to the petitioners that if so advised, they may seek extension of time before the Court below for surrendering before the Trial Court to take advantage of the bail order dated 26.08.2016.

5. Pursuant to the aforesaid direction given by this Court, the petitioners preferred an application *vide* Cr. Misc. No. 58 of 2019 before the learned Sessions Judge, Saran at Chapra, seeking extension of time, but the same was rejected as the Court below found the grounds for extension urged on behalf of the petitioners to be absolutely unsatisfactory.

6. In the first instance, the petitioners ought to have sought extension of time after according reasons for such extension.

7. Nonetheless, this Court, on looking at the reasons for not surrendering before the Court, deems it appropriate that a further opportunity be given to the petitioners to surrender before the Court below in order to take advantage of the order dated 26.08.2016 passed in A.B.P. No. 2115 of 2016. While saying so, this Court has



also taken a note of the fact that the petitioners are related to the husband of the informant and have been made accused only because of their relationship.

8. The order dated 07.03.2019 passed in Cr. Misc. No. 58 of 2019 is, therefore, set-aside.

9. The petitioners are directed to surrender before the Court below within a period of four weeks from today on which, the Court below shall grant them bail on their furnishing bail-bonds in the sum of Rs. 10,000/- each with two sureties of the like amount to his satisfaction in compliance of the order dated 26.08.2016 passed in A.B.P. No. 2115 of 2016, referred to above.

10. The petition stands disposed off with the aforesaid direction.

(Ashutosh Kumar, J)

Praveen-II/-

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