

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59672 of 2019

Arising Out of PS. Case No.-227 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

1. Anurag Kumar Son of Binay Kumar @ Vinay Kumar Das @ Binay Das Resident of Village - Visnupur, Ward No. 43, P.S.- Begusarai (Town), District - Begusarai.
2. Lakshmi Devi Wife of Binay Kumar @ Vinay Kumar Das @ Binay Das Resident of Village - Visnupur, Ward No. 43, P.S.- Begusarai (Town), District - Begusarai.
3. Umesh Das @ Umesh Kumar Son of Late Rambharosh Das @ Rambharosh Gupta Resident of Village -Nagadah, Ward No. 10, Sunflower School, P.S.- Begusarai (Town), District - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are aggrieved by order dated
07.08.2019 passed in Cr. Misc. No. 28 of 2019 by learned
Sessions Judge, Begusarai..

By the impugned order, the learned Sessions Judge,
Begusarai has rejected the prayer of the petitioners to extend the
time for surrender in the court below which was earlier fixed in
the order dated 10.07.2019 passed in A.B.A. No. 1069 of 2019.

The petitioners had been granted anticipatory bail in



said A.B.A. No. 1069 of 2019 and they were directed to surrender and furnish bail bond within two weeks.

Learned counsel for the petitioners submits that because of petitioners could not arrange the bailors within the said short period of two weeks, they filed an application giving rise to Cr. Misc. No. 28 of 2019 on 06.08.2019 which has been rejected on 07.08.2019.

Learned A.P.P. for the State is present.

Considering the facts and circumstances of the case, this Court is of the considered opinion that the learned Sessions Judge, Begusarai is not justified in rejecting the prayer for extension of time. Such petty matters should have been dealt with by learned Sessions Judge, Begusarai and he should have considered the reasons shown by the petitioners. There was no inordinate delay on the part of the petitioners in approaching the court of learned Sessions Judge, Begusarai for extension of time but the learned Sessions Judge, Begusarai has rejected the application by saying that the petitioners themselves lost the opportunity.

In the opinion of this Court, if the petitioners were granted privilege of anticipatory bail and they had come to the court seeking extension of time, the learned Sessions Judge,



Begusarai should have kept in mind that such valuable privilege of the petitioners should not be taken away only because of some delay which too were being explained by the petitioners. Such rejection unnecessarily burdens this Court.

The impugned order dated 07.08.2019 is, therefore, set aside and learned Sessions Judge, Begusarai is directed to consider Cr. Misc. No. 28 of 2019 within one week from the date of receipt/production of a copy of this order and pass an appropriate order thereon.

The application is allowed.

Let this order be sent through Fax to the court of learned Sessions Judge, Begusarai at the cost to be deposited by the petitioners.

(Rajeev Ranjan Prasad, J)

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