

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.613 of 2019

Arising Out of PS. Case No.-47 Year-2017 Thana- MAHILA P.S. District- Nalanda

1. Rajendra Yadav Son of Late Akloo Yadav Resident of Village - Satokhari, P.S.- Chhabilapur, Distt - Nalanda.
2. Shankar Yadav Son of Binda Yadav Resident of Village - Satokhari, P.S.- Chhabilapur, Distt - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners, in the present case, are seeking setting-aside the order dated 03.04.2019 passed by learned Additional Sessions Judge – III, Bihar Sharif, Nalanda passed in A.B.P. No. 2438 of 2018 arising out of Mahila P.S. Case No. 47 of 2017 registered under Sections 354(B), 379, 323, 504, 506/34 of the Indian Penal Code.

It is the submission of learned counsel for the petitioners that the learned Additional District & Sessions Judge could not appreciate the materials available on the record that the petitioners were suffering from Hepatitis



disease and for that reason they did not surrender and furnish bail bond between 15.07.2018 to 30.03.2019.

Learned counsel submits that since petitioners were granted privilege of anticipatory bail, it is a matter of personal liberty of the petitioners and for their failure due to certain reasons and ill-health they should not be allowed to suffer.

Learned counsel further submits that till date no process under Section 82/83 Cr.P.C. has been issued against the petitioners and petitioners are ready to surrender and furnish bail bond within the shortest time which may be granted by this Court.

Learned APP for the State is present and submitted that though the petitioners have failed to furnish bail bond within the prescribed period but considering that the matter relates to their personal liberty, an appropriate view may be taken by this Court.

Considering the facts and circumstances of the case and finding that though the petitioners have not furnished their bail bond within prescribed period, but at this stage, they are ready to surrender and furnish their bail



bond within the shortest possible time, this being a matter of personal liberty of the petitioners, this court is willing to grant them an opportunity to surrender and furnish bail bond in terms of the order dated 10.07.2018 passed by learned 3rd Additional District & Sessions Judge, Bihar Sharif, Nalanda in A.B.P. No. 2438 of 2018.

As a result, the impugned order dated 03.04.2019 is set-aside and the petitioners are granted one week time to surrender and furnish bail bond in the court below.

As prayed, let a copy of this order be communicated to the court below through Fax at the cost of the petitioners.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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