

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.180 of 2020**

Arising Out of PS. Case No.-503 Year-2018 Thana- NAUTAN District- West Champaran

1. PINKI DEVI @ PINKI SINHA W/o Arun Kumar Sinha Resident of Village- Pipra, P.S.- Nautan, Distt- West Champaran
2. Deep Ranjan Prasad @ Dipu Kumar S/o Narendra Prasad Sinha Resident of Village- Pipra, P.S.- Nautan, Distt- West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Upadhyay, Advocate.
For the Respondent/s : Mr.Bal Mukund Prasad Sinha, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 05-07-2021 Heard learned counsel for the petitioners and Mr. Bal Mukund Prasad Sinha, learned APP for the State.

The petitioners in the present case are seeking setting aside of the order dated 2.12.2019 passed in Cr. Misc. No. 105 of 2019 by which the learned Additional Sessions Judge, first-cum-special Judge, SC/ST/POCSO, West Champaran has denied the extension of time for furnishing bail bond by the petitioners.

Learned counsel for the petitioners submits that the anticipatory bail was granted in ABA No. 2487/2018 vide order dated 25.4.2019. In terms of the order the petitioners were directed to surrender and furnish their bail bond within two



weeks, it is further submitted that the petitioner no.1 is a pardanashin lady and petitioner No. 2 is a farmer, unfortunately because of the ill health and no proper advice being available to them, they could not furnish the bail bonds within time. Under these circumstances they were advised to move an application for extension of time but the same has been rejected.

It is the submission of learned counsel for the petitioners that the learned Court below did not appreciate that the petitioners were granted the privilege of anticipatory bail after due consideration of their application, the non-submission of bail bond were not deliberate and intentional, therefore, the privilege which were granted to them should not have been deprived of by rejecting their application.

Mr. Bal Mukund Prasad Sinha, learned APP for the State is present and has submitted that there was substantial delay on the part of the petitioners in furnishing the bail bond.

Having heard learned counsel for the parties and on perusal of the record, this Court finds that there were some delay in submission of the bail bond, the delay was about six months but in the circumstances explained to the Court, a lenient view was required to be taken considering particularly that these petitioners are not having any criminal record and



then the petitioner No. 1 is a female member of the family who was suffering from illness and that led to the delay in submission of the bail bond. Such prayers are required to be considered keeping in view the substantial justice in mind.

In the opinion of this Court the learned court below has apparently erred in rejecting the application for extension of time to submit the bail bond, this Court sets aside the impugned order dated 2.12.2019, allows this application and grants four weeks further time to the petitioners to submit their bail bonds. In the meantime, the petitioners shall not be arrested.

Thus, application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Sonali/

-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

