

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15554 of 2021

Arising Out of PS. Case No.-134 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

1. GEETA DEVI W/o Prem Singh R/o - Udamarekha, P.S.- Muffasil, District-Katihar.
2. PREM SINGH S/o Vinod Singh R/o - Udamarekha, P.S.- Muffasil, District-Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-07-2021 Heard Mr. Sanjeev Kumar Singh, the learned
counsel for the petitioners and the learned APP for the State.

This is an application for modification of the order dated 09.01.2020 in connection with Muffasil P.S. Case No. 134 of 2019 instituted for the offences under Sections 323, 379, 406, 420 and 120B of the Indian Penal Code.

The petitioners were granted anticipatory bail by the court below vide order dated 19.07.2019. They were directed to surrender before the court within four weeks of the order.

For some reason or the other, the petitioners could



not surrender before the court below and filed an application for extension of time. However, by order dated 09.01.2020, the court below refused to grant any further time on the ground that such application was filed after five months of the passing of the order granting bail to the petitioners.

It has been submitted on behalf of the petitioners that because of poverty and ignorance, the petitioners could not surrender before the court below to take advantage of the order granting anticipatory bail to them. Only when they realized that they shall be arrested that they have garnered funds and have prayed for extension of time.

No doubt, such are no good grounds for extension of time but considering the background facts, the nature of case, social background of the parties and the gender of the petitioners, it is directed that if the petitioners surrender before the court below within a period of four weeks from today, the order dated 19.07.2019 shall be given effect to and they shall be released on bail on their furnishing bonds in the sum of Rs. 20,000/- (Rs. Twenty Thousand) each with two sureties of the like amount each to the satisfaction



of learned Chief Judicial Magistrate, Katihar in connection with Muffasil P.S. Case No. 139 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

The other conditions in the order dated 19.07.2019 shall subsists.

In order to make that order effective, the order dated 09.01.2020 is also modified to the extent indicated above.

The application stands allowed.

(Ashutosh Kumar, J)

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