

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4612 of 2021

Arising Out of PS. Case No.-368 Year-2019 Thana- BARHARIA District- Siwan

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1. SUNIL YADAV SON OF RAMKISUN YADAV @ RAM KISHUN CHAUDHARI VILLAGE- DUDHAIBARI, LAKDI DARGAH, P.S.- BARHARIYA, DISTRICT- SIWAN.
 2. SUNIL KUMAR YADAV @ SUNIL YADAV SON OF YOGINDRA YADAV VILLAGE- DUDHAIBARI, LAKDI DARGAH, P.S.- BARHARIYA, DISTRICT- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioners and

Ms. Renu Kumari, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Barharia PS case no. 368 of 2019 registered
for the offences punishable under Sections 363, 366(A)/34 of
Indian Penal Code.

The present petition is directed against the order
dated 12.10.2020, passed by the learned Sessions Judge, Siwan,
whereby and whereunder the learned court below has refused to
extend the time granted to the petitioners to surrender in order to
avail the privilege of anticipatory bail.

The learned counsel for the petitioners has



submitted that the petitioners were falsely implicated in connection with Barhariya PS case no. 368 of 2019 under Sections 363, 366(A)/34 of Indian Penal Code, whereafter they had moved the learned Sessions Judge, Siwan for grant of anticipatory bail and finding merit in the case, the learned court below had granted the privilege of anticipatory bail to the petitioners on 29.01.2020, however they were required to surrender before the learned court below within a period of four weeks of passing of the said order dated 29.01.2020 for the purposes of furnishing bail bonds and then being released on bail, however on account of certain constraints, the petitioners could not surrender within time, consequently they had moved an application for extension of time but the same has been dismissed as not maintainable by an order dated 12.10.2020.

Per contra, the learned APP for the State has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and having heard the learned counsel for the parties, I deem it fit and appropriate to set aside the order dated 12.10.2020, passed by the learned Sessions Judge, Siwan and further modify the order dated 29.01.2020 passed by the learned Sessions Judge, Siwan, to the extent that the time granted to the



petitioners to surrender before the learned court below for the purposes of grant of anticipatory bail is extended by a further period of four weeks from today. It is needless to state that rest of the order dated 29.01.2020, passed by the learned court of Sessions Judge, Siwan shall remain the same.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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