

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18669 of 2021

Arising Out of PS. Case No.-309 Year-2019 Thana- CHANPATIA District- West Champaran

1. Vivek Ram Son of Sri Prabhu Ram
2. Arjun Ram Son of Sri Prabhu Ram
Both Resident of Village - Khairwa Tola, P.s.- Chanpatia (Sirisiya), Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ramesh Ram Son of Sri Motilal Ram Resident of Village - Khairwa Tola, P.s.- Chanpatia (Sirisiya), Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-04-2022 Heard learned counsel for the parties.

An FIR was lodged on 17.09.2019 in which it was alleged that the petitioners blocked outlet of the canal and were fishing and upon protest, all the accused persons assaulted causing injury to the informant and others.

The petitioners moved in anticipatory bail vide A.B.P. No.643 of 2020 before the learned Sessions Judge, West Champaran, Bettiah. The same was allowed on 21.03.2020 with the direction that in the event of their arrest or surrender within a month, they shall be released on bail bond of Rs.10,000/- with one surety of like amount to the satisfaction of learned court



below.

Eight months later, Cr. Misc. No.53 of 2020 was preferred by the petitioners herein stating that they failed to abide by the one month period granted by the learned Sessions Judge while granting anticipatory bail with further prayer to allow them to furnish bail bond in the light of order dated 21.03.2020.

Learned Sessions Judge after hearing both the petitioners' counsel as well as the Public Prosecutor recorded that:

'The petitioners were granted anticipatory bail almost eight months ago. The conduct of the petitioners seems not to be just and proper and it seems that they have no regard to law and as such they don't deserves any sympathy from the court'.

Accordingly, the learned Sessions Judge rejected the Cr. Misc. No.53 of 2020 preferred by the petitioners herein.

It is important to note that the FIR was lodged in 2019. The anticipatory bail was granted on 20.03.2020. The Cr. Misc. No.53 of 2020 was rejected on 05.11.2020. Still, the petitioners chose not to surrender before the court and seek



regular bail. Today its 28th of April, 2022 i.e. almost 3 years have elapsed since the FIR was lodged and the petitioners are still at large. This is complete defiance of the process of law.

Considering the aforesaid attitude of the petitioners, they deserve no sympathy from this Court either and the application preferred under Section 482 of the Cr.P.C. is hereby rejected.

However, if the petitioners choose to surrender and seek regular bail, the learned court below shall take up the same on its own merit without being prejudiced by any of the observations made in this order.

(Rajiv Roy, J)

Prakash Narayan /-

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