

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60688 of 2021**

Arising Out of PS. Case No.-340 Year-2018 Thana- BAGHA District- West Champaran

Santosh Ram @ Satish Ram S/O Nandlal Ram R/O Village-Kumhiya, P.S-
Bagaha, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 22-09-2022 Today this case has been listed on priority basis, on
the motion slip filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Zainul Abedin, learned counsel appearing
on behalf of the petitioner and learned APP for the State.

The petitioner is invoking the inherent jurisdiction of
the Hon'ble Court, seeking quashing of the order dated
03.02.2021, passed by the learned Sessions Judge, West
Champaran camp court at Bagaha in connection with Cr. Misc
No. 9(c) of 2021, whereby the learned court has refused to
extend the period of surrender as was directed to the petitioner



in connection with A.B.P. No. 272-C of 2020, arising out of Bagaha P.S. Case No. 340 of 2018.

Learned counsel appearing on behalf of the petitioner submitted that on the basis of a written report filed by Dugur Prasad, Bagaha P.S. Case No. 340 of 2018 was instituted against the petitioner and other co-accused persons. On being apprehending his arrest the petitioner filed A.B.P. No. 272-C of 2020 for grant of his anticipatory bail along with others and after considering every aspect of the matter, the petitioner was granted anticipatory bail in aforesaid A.B.P. No. 272-C of 2020, vide order dated 01.10.2020 and he was directed to surrender in the court below within a period of one month from the date of the order.

However, on account of illness of his wife as well as due to surge of COVID-19 Pandemic, he could not surrender within the time prescribed. It is further submitted that petitioner filed an application for extension of the time for his surrender before the learned Sessions Judge, West Champaran, Camp Court, Bagaha by filing Cr. Misc. No. 9(c) of 2021, however, the said application was rejected without considering the fact that at that point of time there was COVID-19 Pandemic and due to which the movement of the people at large was restricted, apart from the fact that the wife of the petitioner was seriously



ill. He next submitted that now the petitioner is giving undertaking that he will be bound by all the terms and conditions as would be imposed by the jurisdictional court and he prays for extension of time of surrender as directed by the learned Sessions Judge, while granting bail to him and others.

On the other hand learned counsel for the State opposed the bail application and submitted that in spite of the order passed by the learned Sessions Judge, granting him anticipatory bail he has not complied the order and surrendered within time and as such the impugned order does not suffer from any infirmity.

Regard being had to the submissions made on behalf of the parties and considering the submissions of the petitioner, especially the fact that on the relevant date there was a surge of COVID-19 Pandemic and the movement of public was restricted as also the wife of the petitioner was suffering from illness, the order dated 03.02.2021 is hereby set aside for the ends of justice and the petitioner is directed to surrender before the court below within a period of four weeks' from today and on his surrender his bail bond would be accepted on the terms and conditions as has been imposed by the order dated 01.10.2020, passed by the learned Sessions Judge, West Champaran, Camp Court as Bagaha.



Accordingly, the present application stands allowed.

(Harish Kumar, J)

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