

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.179 of 2021

Arising Out of PS. Case No.-29 Year-2008 Thana- HARSIDHI District- East Champaran

1. Maina Devi W/O Bachchan Yadav R/O Village-Ujjain Lohiyar, Tola-Singta, P.S Harsidhi, District East Champaran
2. Bachchan Yadav S/O Late Bishwanath Yadav R/O Village-Ujjain Lohiyar, Tola-Singta, P.S Harsidhi, District East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Meera Devi W/O Late Lachhan Yadav R/O Village-Ujjain Lohiyar, Tola-Singta, P.S Harsidhi, District East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-07-2022 From the service report placed on the record it appears that the process server had gone to the place of the informant (O.P.No.2) and met her for purpose of service of notice but she refused to acknowledge receipt of notice.

The registered cover has though been returned but in view of the service report of the process server of the learned court below, this Court accepts the notice as validly served.

Heard learned counsel for the petitioners. No one appears for the State.

Petitioners in the present case are challenging the



order dated 11.04.2018 passed by the learned Additional Chief Judicial Magistrate-14th, Motihari, East Champaran in connection with Harsidhi Police Station Case No.29 of 2008 (Tr.No. 918 of 2018) whereby the bail bond of the petitioners have been cancelled and non-bailable warrant has been issued.

Learned counsel for the petitioners submits that the petitioners are Gotani and Bhaisur respectively of the opposite party no.2. They have been made accused in the case lodged by the opposite party no.2 against her husband alleging demand of dowry and torture.

It is submitted that the petitioners were throughout vigilant in pursuing their case but only on 11.04.2018 they did not appear nor any representation was filed on their behalf as a result whereof the bail bonds of the petitioners were cancelled.

Having regard to the submissions noted hereinabove, considering that the NBW has been issued after cancellation of bail of the petitioners only for default on 11.04.2018, the petitioners were very much present on the previous day on 23.03.2018 but no witness had turned up on that date, for the single day misuse issuance of NBW seems to be an act done in haste. This Court, therefore, sets aside the order dated 11.04.2018 issuing NBW against the petitioners.



The petitioners undertake to appear in the learned court below within three weeks from today and file an appropriate application for restoration of their bail bonds which will be considered and order will be passed keeping in view the fact that this Court has already set aside the order dated 11.04.2018. Thereafter, the petitioners must appear on the date fixed in course of trial.

This application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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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'.

