

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11832 of 2021

Arising Out of PS. Case No.-587 Year-2018 Thana- MUFFASIL District- West Champaran

1. Mustak @ Mustafa @ Mustafa Ansari Son Of Latif Mian R/O Village- Siyarosati, P.S.- Bettiah Muffasil (MANUAPUL O.P.), Dist.- West Champaran
2. Jamshed Saifi @ Jamshed Alam Son Of Alim Mian R/O Village- Siyarosati, P.S.- Bettiah Muffasil (manuapul O.P.), Dist.- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajiv Narayan Pandey Anchaladhikari, Chanpatia Anchal -cum-deputed Magistrate, Manuapul O.P., West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners as well as learned A.P.P for the State.

The present application has been filed for quashing the order dated 05.11.2020 passed by the learned Sessions Judge, West Champaran at Bettiah in Cr. Misc. No. 52 of 2020, arising out of Bettiah Muffasil (Manuapul) P.S. Case No. 587 of 2018 registered under Sections 147, 148, 149, 353 of the Indian Penal Code and Section 9 of the Bihar Control of Use and Play of Loudspeaker Act, 1955, whereby and whereunder a petition for modification of the



order dated 25.03.2019 passed by the learned Sessions Judge, West Champaran, Bettiah in A.B.P. No. 2739 of 2018 to the extent of extending the period of surrender, has been rejected.

The petitioners were granted anticipatory bail by order dated 25.03.2019 by learned Sessions Judge, West Champaran, Bettiah in A.B.P. No. 2739 of 2018.

It is submitted by learned counsel for the petitioners that the petitioners could not be communicated on time to furnish their bail bonds since they were outside State to earn their livelihood and this is the only reason the modification application was filed on 21.10.2020 for extending the period of surrender which was rejected by the learned Sessions Judge.

Considering the facts and circumstances of the case, the order dated 05.11.2020 passed by the learned Sessions Judge, West Champaran at Bettiah in Cr. Misc. No. 52 of 2020, arising out of Bettiah Muffasil (Manuapul) P.S. Case No. 587 of 2018, is hereby quashed.

The petitioners are directed to file appropriate application for extending the period of surrender within a



period of four weeks from today before the learned Court below when it is expected from the learned Court below to consider the prayer of the petitioners, keeping in view the facts as mentioned above.

Accordingly, the petition stands allowed.

(Sunil Kumar Panwar, J)

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