

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87300 of 2019

Arising Out of PS. Case No.-50 Year-2018 Thana- DAWATH District- Rohtas

1. Sukhari Sah Son of Simarit Sah @ Sirit Sah Resident of Village- Dulahinganj, P.S.- Jagdishpur, District- Bhojpur.
2. Meena Devi Wife of Sukhari Sah Resident of Village- Dulahinganj, P.S.- Jagdishpur, District- Bhojpur.
3. Sundar Devi Wife of Baidynath Sah Resident of Village- Barja, P.S.- Bihiya, District- Bhojpur.
4. Rekha Devi Wife of Brahmeshwar Sah Resident of Village- Barja, P.S.- Bihiya, District- Bhojpur.
5. Brahmeshwar Sah Son of Kedar Sah Resident of Village- Barja, P.S.- Bihiya, District- Bhojpur.
6. Baidynath Sah Son of Kedar Sah Resident of Village- Barja, P.S.- Bihiya, District- Bhojpur.
7. Renu Devi Wife of Munna Kumar Resident of Village- Kushumha, P.S.- Udwantnagar, District- Bhojpur.
8. Mintu Kumar @ Sintu Kumar Son of Sukhari Sah Resident of Village- Dulahinganj, P.S.- Jagdishpur, District- Bhojpur.
9. Munna Kumar Son of Raghibir Sah Resident of Village- Kushumha, P.S.- Udwantnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-12-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

This is an application for quashing of the order dated
16.09.2019 passed by learned Sessions Judge, Rohtas at Sasaram in
Cr. Misc. No. 79 of 2019 arising out of Dawath P.S. Case No. 50 of
2018 offences alleged under Sections 341, 323, 498(A), 34 of the



Indian Penal Code and Section 3/4 of Dowry Prohibition Act whereby and whereunder the petition filed by the petitioners for extension of period of surrender of petitioners before the Court below was dismissed without considering the material available on the record of the case, with a prayer to quash the aforesaid order and to extend the period of the surrender the petitioners before the Court below.

Learned counsel appearing on behalf of the petitioners submitted that anticipatory bail of all above named 9 petitioners were allowed by learned Trial Court, but as 18 bailors are to be arranged, therefore, bail bond was not furnished within stipulated period of time, as directed through ABP No. 1534 of 2018 with ABP No. 1728 of 2018 vide order dated 28.07.2018. It is further submitted that a prayer was made before learned Trial Court itself for extension of time, which was allowed for 10 days vide order dated 23.01.2019, while disposing the Cr. Misc. No. 130 of 2018. It is also submitted that again petitioners failed to arrange 18 bailors within given 10 days, which was to be arranged at local levels, subsequent thereafter, the extra-ordinary situations prevails due to Covid-19.

Learned APP appearing on behalf of the State, while opposing the prayer of bail submitted that unreasonable delay has been caused by these petitioners to furnish bail bond.

In view of above mentioned facts and circumstances and by taking note of compulsions, as stated above, petitioners are directed to furnish their bail bond within three weeks from the date of



receipt of a copy of this order.

Accordingly, impugned order dated 16.09.2019 is set
aside.

Hence, the present quashing petition is allowed.

(Chandra Shekhar Jha, J)

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