

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41102 of 2015

Arising Out of PS. Case No.-1245 Year-2011 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Radhika Devi w/o Late Dudhnath Choudhary
 2. Babloo Chaoudhary s/o Late Dudhnath Choudhary
All r/o Village- Nawagaon, P.s. Buxar M District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Amrita Kumari w/o Ramashish Choudhary, village Nawagaon, Post-
Karhansi, P.S.- Buxar M, District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 27-02-2023 It has been informed by learned counsel for the

petitioner that during the pendency of the case petitioner no.1,

Radhika Devi is no more and accordingly case against her has

become infructuous.

Heard the parties.

The present petition has been preferred challenging
the order dated 21.07.2015 passed by the learned Sessions
Judge, Buxar in ABP No.765/2015 in Complaint Case No.1245
of 2011 by which the petition dated 20.07.2015 filed by the
petitioner namely Babloo Chaudhary for extension of time to
surrender in the court of learned S.D.J.M., Buxar to furnish the
bail bond in compliance of the order dated 07.02.2015 was



rejected.

It seems the petitioner who claims to be 'Devar' of the complainant had sought anticipatory bail with his mother (since deceased) as also the other family members including the husband of the complainant were granted the privilege of anticipatory bail on 07-02-2015 by the learned Sessions Judge, Buxar with the observation that '*if they surrender within fortnight they be released on bail*'.

Although the order was to surrender within a fortnight, five months later on 20.07.2015, a petition was filed for extension of time for a fortnight. The same was rightly rejected on the next day, 21.07.2015 as from the facts, it is clear that the petitioners chose to defy the order dated 07.02.2015 which was passed in favour of the accused.

It is further unfortunate that the petitioner despite being in police, force as informed by the learned counsel for the petitioner, chose not to appear/surrender before the concerned court for last eight years in the garb of the present petition despite the rejection order in 2015.

This Court has no option but to reject his prayer for extension of time and/or the quashing of the order dated 21.07.2015 passed by the learned Sessions Judge, Buxar.



However, if he finally chooses to surrender before the concerned court within a week from today, it will be entirely up to the said court to take a decision in the matter whether to grant any relief to him or not in the backdrop of the fact that he is the 'Devar' of the lady. As lots of water may have flown from the Ganges, the learned court shall also take all those new facts in consideration in passing the order on the petition, if any, preferred by the petitioner herein.

It is made clear that this Court has not given any direction and/or observation and it will be entirely the discretion of the concerned court to take a decision in its independent mind.

With the aforesaid observation, this petition stands disposed of.

(Rajiv Roy, J)

Prakash Narayan /-

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