

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48916 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- MAHILA P.S. District- Bhojpur

RAMBHA DEVI W/O KRISHNAJEE KESHRI Resident of Village-
Manadah, P.S.- Buxar Muffasil, District- Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Alka Kumari D/O Makhan Prasad Keshri R/O Village- Bibiganj, P.S.-
Udwantnagar, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Ataul Haque, Adv.
For the Opposite Party/s	:	Mr.Mohammed Arif, APP
For the informant	:	Mr. Naresh Kumar Mahta, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 22-02-2023 Heard the parties.

This is an application for quashing of the order dated
26.7.2022 in Cr. Misc. No. 50 of 2022 passed by the learned
Sessions Judge, Bhojpur at Ara.

Learned counsel for the petitioner submits that in a
case under Sections 323, 313, 498A, 504/34 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act related to
Mahila P.S. Case No. 87 of 2021, Bhojpur at Ara. The petitioner
along with Krishnajee Keshri and Ranju Keshri were granted
the privilege of anticipatory bail on 21.1.2022 by the learned
Sessions Judge, Bhojpur at Ara in A.B.P. No. 3114 of 2021 and
the relevant order is as follows :



“Accordingly. the prayer of the above named petitioners is hereby allowed and in event of their arrest or surrender before the court below within 25 days from the date of this order they shall be released on bail on furnishing ball bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of the court below subject to conditions as laid down under Section 438(2) of Cr.P.C.

Due to COVID-19 pandemic the court is functioning in virtual mode, so in order to ensure minimum footfall of the litigants in Civil Court Premises, it is not possible for petitioners to bring the bailors physically in the premise of Civil Court, so the petitioners are given a liberty to file their personal bond in respect of above conditions. Once the normalcy is restored and whenever the pandemic situation is removed from the District, the petitioners



shall file their bail bond with desired sureties for their presence in the Civil Court as per above order.”

It seems while Krishnaje Keshri and Ranju Keshri were able to move before the concerned court within time, Rambha Devi, the present petitioner did not do so and accordingly when a petition was preferred for extension of time so that she could surrender and furnish her bail bond, the same came to be rejected on 26.7.2022 by the learned Sessions Judge, Bhojpur at Ara in Cr. Misc. No. 50 of 2022 on the ground that the medical prescription of Sadar Hospital Buxar is/are of 3.8.2021 and 2.12.2021 and not of 2022 to show that she was ill and as such could not surrender within time.

Learned counsel for the petitioner submits that she is ill, a disabled person and as such failed to surrender within time and will suffer a lot if the said order is not set aside and the time for her surrender is not extended.

Learned counsel for the informant on the other hand although submits that for the said mess, the petitioner herself is to be blamed, in view of the fact that the others have been extended the privilege of anticipatory bail. He do not have objection if the time is extended.



Taking into account the rival submissions put forward by the respective parties, in the considered view of this Court, although the action of the petitioner is deprecated in flouting the order passed by the learned Sessions Judge, Bhojpur at Ara, no purpose will be served by putting her behind the bar when already she was granted the privilege of anticipatory bail.

In the aforesaid circumstances, the Cr. Misc. No. 50 of 2022 (Rambha Devi versus State of Bihar) order dated 26.7.2022 passed by the learned Sessions Judge, Bhojpur at Ara, is set aside and it is further held that if the petitioner surrenders within four weeks from today, taking into account the order dated 21.1.2022 passed by the learned Sessions Judge, Bhojpur at Ara, in A.B.P. No. 3114 of 2021 arising out of Mahila P.S. Case No. 87 of 2021 (Bhojpur at Ara), the concerned Court shall release her on bail in terms of the observations made by it in its order dated 21.1.2022.

Accordingly, the petition stands allowed.

(Rajiv Roy, J)

Ajay Singh/-

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