

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32802 of 2021**

Arising Out of PS. Case No.-1587 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Triloki Paswan S/o Satan Paswan, R/o Village- Adarsh Colony, Koiri Tola, P.S.- Bettiah (Town), District- West Champaran.
 2. Maina Devi W/o Triloki Paswan, R/o Village- Adarsh Colony, Koiri Tola, P.S.- Bettiah (Town), District- West Champaran.
 3. Renu Devi @ Ren Devi, W/o Banhu Paswan, D/o Triloki Paswan, R/o Village- Adarsh Colony, Koiri Tola, P.S.- Bettiah (Town), District- West Champaran.
 4. Gona Kumari D/o Triloki Paswan, R/o Village- Adarsh Colony, Koiri Tola, P.S.- Bettiah (Town), District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/o Viloki Paswan, R/o Village- Adarsh Colony, Koiri Tola, P.S.- Bettiah (Town), District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT**

Date : 09-08-2024

Heard Mr. Bimlesh Kumar Pandey, learned
Advocate for the petitioners and the learned APP for the State.

2.The petitioners have invoked the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. seeking quashing of the order dated 26.02.2021 passed by the learned Sessions Judge, Bettiah, West Champaran in Cr. Misc. No. 24 of 2021, arising out of A.B.P. No. 1908 of 2020, in connection with Complaint Case No. 1587 of 2017, whereby the learned Sessions Judge has rejected the Miscellaneous petition



filed on behalf of the petitioners to extend the time to surrender and to furnish bail bond.

3. Shorn of unnecessary details, learned Advocate for the petitioners contended that the Opposite Party No. 2 by making certain allegation filed a Complaint, bearing Complaint Case No. 1587 of 2017, against the petitioners and others. The learned jurisdictional Court vide its order dated 20.12.2017 took cognizance for the offences punishable under Section of 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and issued summons accordingly.

4. The petitioners apprehending their arrest, filed A.B.P. No. 1908 of 2020 before the learned District & Sessions Judge, West Champaran, Bettiah. The learned District & Sessions Judge, West Champaran, Bettiah vide his order dated 15.01.2021 accorded the Anticipatory Bail to the petitioners and directed to furnish bail bond within one month from the date of the order.

5. Learned Advocate for the petitioners adverting to the aforesaid fact further contended that out of four petitioners three petitioners are ladies and petitioner no. 1 is a Rikshaw Puller, who is the guardian of the family, but due to the delayed information given by the Advocates/Pairvikar, they could not arrange the required documents and necessary expenses within



the stipulated period and, as such, the petitioners could not furnish the bail bond within the period of one month.

6. Faced with such circumstances, a Miscellaneous petition has been filed for extension of time as granted in the order dated 15.01.2021 just after ten days of the stipulated period of surrender and to furnish bail bonds.

7. The modification application as noted hereinabove was filed on 25.02.2021, but it came to be rejected on 26.02.2021. The learned Sessions Judge did not consider the grounds, which have been taken in the modification application; thus, on being aggrieved the petitioners approached before this Court by filing the present quashing application on 26.03.2021.

8. It is also the contention of the learned Advocate for the petitioners that apart from indigent and destitute, the petitioners were not aware of the stringent provisions of law, and had never even been think for defiance of the order of the Court and the delay was not intentional.

9. Learned Advocate for the State though initially opposed the prayer of the petitioners, however, taking note of the fact that the petitioners were bonafidely pursuing their remedy for extension of time has fairly submitted that the prayer of the petitioners is fit for consideration.

10. Having heard the submissions advanced on



behalf of the respective parties and taking note of the fact that the matter has arisen out of a matrimonial dispute and the petitioners are none else, but the in-laws of Opposite Party No.2.

11. The materials available on record shows their bonafide that they had immediately approached before the learned Sessions Judge and filed petition for modification of the order for extending the period of surrender and to furnish the bail bond, this Court finds merit in the application.

12. Accordingly the present application stands allowed and order dated 26.02.2021 passed by the Sessions Judge, Bettiah, West Champaran in Cr. Misc. No. 24 of 2021 is hereby quashed.

13. The petitioners are directed to surrender and furnish bail bond in terms of the order dated 15.01.2021 passed in ABP No. 1908 of 2020, in connection with Complaint Case No. 1587 of 2017, preferably within a period of four weeks from today.

(Harish Kumar, J)

Jyoti/uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.08.2024
Transmission Date	NA

