

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29458 of 2024

Arising Out of PS. Case No.-167 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Deepak Goswami Son of Late Arjun Goswami @ Late Arjun Giri R/o Village-Karor, P.S.- Cheriabariyarpur, District- Begusarai
 2. Rani @ Ghurani Devi @ Rani Devi Wife of Deepak Goswami R/o Village-Karor, P.S.- Cheriabariyarpur, District- Begusarai
 3. Pawan Devi Wife of Late Arjun Goswami @ Late Arjun Giri R/o Village-Karor, P.S.- Cheriabariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Cheriya Bariyarpur P.S. Case No. 167 of 2019, registered on 06.11.2019 for the offences under Sections 341, 342, 323, 448, 324, 379, 354(A), 504 and 34 of the Indian Penal Code.

3. However, from perusal of the record, I find that the anticipatory bail petition of the petitioners was allowed vide order dated 22.07.2022 passed by the learned Additional Sessions Judge, IIIrd, Begusarai in A.B.P. No. 1472 of 2022.

While allowing the anticipatory bail petition, the learned Additional Sessions Judge, IIIrd, Begusarai directed the petitioners to surrender within 15 days of passing of the order before the learned trial Court. However, it further appears that the petitioners did not surrender within the stipulated period and they made a prayer for extension of time to surrender before the Court concerned. The prayer was rejected vide order dated 31.01.2023 by the learned Additional Sessions Judge, IIIrd, Begusarai in Cr. Misc. No. 04 of 2023. Thereafter, the instant criminal miscellaneous petition has been filed seeking grant of anticipatory bail to the petitioners. Obviously, the present bail petition does not appear to be maintainable, since the petitioners were already ordered to be enlarged on bail by the learned Additional Sessions Judge, IIIrd, Begusarai and in the garb of the present anticipatory bail petition, the petitioners want extension of time and the order rejecting their prayer has effectively been challenged in the present criminal miscellaneous petition. But under Section 438 of the Cr.P.C., this Court is not vested with any power to consider the prayer for extension of time which was rejected by the learned Additional Sessions Judge, IIIrd, Begusarai.

4. Faced with the situation, learned counsel for the

petitioners seeks permission to withdraw the present anticipatory bail application with liberty to file appropriate application before the appropriate authority.

5. Permission is accorded.

6. Accordingly, the present anticipatory bail application is dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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