

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46024 of 2022

Arising Out of PS. Case No.-63 Year-2011 Thana- RUPASPUR District- Patna

1. Ravi Ranjan Kumar, S/o Ajay Kumar, Resident of Mohalla- Khajpura Shiv Mandir, P.S.- Hawaii Adda, District- Patna.
2. Ajay Kumar @ Ajay Singh, S/o Ramdewan Singh, Resident of Mohalla- Khajpura Shiv Mandir, P.S.- Hawaii Adda, District- Patna.
3. Nirmal Narayan Singh @ Abhishek, S/o Late Tej Narayan Singh, Resident of Mohalla- Khajpura Shiv Mandir, P.S.- Hawaii Adda, District- Patna.
4. Swati Kumari @ Swati Singh, W/o Nirmal Singh, Resident of Mohalla- Khajpura Shiv Mandir, P.S.- Hawaii Adda, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2024 Heard Mr. Y. C. Verma, learned Senior Advocate for the petitioners and Mr. M. K. Nirala, learned Advocate for the State.

2. The petitioners by invoking the inherent jurisdiction of this Court filed the present application under Section 482 of the Code of Criminal Procedure for quashing the order dated 21.03.2022, passed by learned Additional Sessions Judge-III, Danapur, Patna in Sessions Trial No. 859 of 2013, arising out of Rupaspur P.S. Case No. 63 of 2011, whereby the learned court has been pleased to cancel the bail bonds of the



petitioners.

3. Learned Senior Advocate for the petitioners advertig to the averments made in the present application placed the short facts, which are relevant for consideration.

4. Based upon the written report, First Information Report has been instituted on 09.05.2011, wherein the informant has made allegation of demand of dowry and torture on account of non-fulfillment of the same. She has also made certain allegation of indecent behaviour of some of the family members, apart from assault, which led to the institution of the F.I.R. under Sections 379, 498-A, 308, 323, 376, 511/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. He further contended that during the course of investigation, the police has not found case true against some of the accused persons and they did not sent up for trial, however, charge-sheet has been submitted against the petitioners and others. The petitioner no.1 is the husband, petitioner no.2 is father-in-law and petitioner nos. 3 and 4 are the cousin father-in-law and mother-in-law, respectively.

4. Advertig to the aforesaid facts, learned Senior Advocate further contended that the petitioners had already been allowed bail by this Court vide order dated 29.03.2012 itself and



thereafter they have been continuously appearing in this case right from 29.08.2013, without there being any fault. On 23.06.2020, the date was fixed for the evidence. However, no one could appear and thereafter further date was given by the learned trial court, but in the meantime, on account of spread of Covid-19, the Central Government imposed nationwide lockdown, resultantly, the court proceeding stayed. Owing to complete lockdown, the trial in the court also remained stayed for a pretty long time. However, in the meantime, on some of the dates, the petitioners could not appear, due to which their bail bonds were cancelled, but without issuing any notice to them.

5. In the aforesaid premise, learned Senior Advocate for the petitioners submits that in view of the unprecedented situation, at least before cancellation of the bail bonds of the petitioners, notices were required to be issued.

6. At this juncture, learned Advocate for the State countering the aforementioned submission contended that the petitioners did not appear on various dates, which was fixed for evidence, resulting into delay in disposal of the trial.

7. Having considered the submissions advanced on behalf of the parties and taking note of the fact that absence of



the petitioners was on account of nationwide lockdown, however, it cannot be ruled out that on some occasions there was negligence on the part of the petitioners also, but the same can be condoned in view of the explanations and averments made in the present application.

8. In the aforesaid premise, this Court while exercising the inherent jurisdiction set aside the order dated 21.03.2022, passed by learned Additional Sessions Judge-III, Danapur, Patna in Sessions Trial No. 859 of 2013, arising out of Rupaspur P.S. Case No. 63 of 2011, and directed the petitioners to ensure their presence and furnish fresh bail bonds in terms of the earlier order dated 29.03.2012, passed by this Court.

9. The present application stands allowed.

(Harish Kumar, J)

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