

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68103 of 2024

In

CRIMINAL MISCELLANEOUS No.43424 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BISFI District- Madhubani

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1. Gambhira Devi Son of Late Uttam Sahani @ Uttim Sahni village- Bharan tola, Ps- Bisfi, Dist- Madhubani
 2. Pinki Devi Wife of Santosh Sahani village- Bharan tola, Ps- Bisfi, Dist- Madhubani
 3. Santosh Sahani Son of Late Uttam Sahani @ Uttim Sahni village- Bharan tola, Ps- Bisfi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners submits that the instant modification application has been filed seeking to extend the time of surrender.

3. The Court is taking a consistent view of not extending the time of surrender if the accused has not surrendered within the time stipulated in the order by which anticipatory bail has been granted but then the present case appears to be an exception.

4. Learned counsel for the petitioners submits that the petitioners were granted the privilege of anticipatory bail by an



order dated 08.07.2024 passed in Cr. Misc. No. 43424 of 2024 and they were directed to surrender within a period of six weeks.

5. Learned counsel for the petitioners submits that the last date of surrender in terms of order dated 08.07.2024 was 19.08.2024. It is further submitted that the petitioners on 10.07.2024 filed an application before the learned Trial Court for surrendering based on which the learned Trial Court on 11.07.2024 called for the criminal antecedents of the petitioners, as the order dated 08.07.2024 in Cr. Misc. No. 43424 of 2024 had directed the learned Trial Court to accept the bail bonds after verifying the criminal antecedent of the petitioners. It is further submitted that thereafter, the petitioners again on 27.07.2024 filed an application for surrendering, but by then also the criminal antecedent of the petitioners was not received before the learned Trial Court, thereafter on 03.08.2024, the petitioners again filed an application before the learned Trial Court but by then also the criminal antecedent was not received as such, the learned Trial Court on 05.08.2024 sent a reminder to the concerned authority for sending the criminal antecedent of the petitioners but the same was not sent as such, the petitioners again on 17.08.2024 filed an application before the



learned Trial Court for surrendering but since the criminal antecedent till then has not come as such, the surrender application was not entertained. It is next submitted that lastly on 19.08.2024, the petitioners again filed an application but then the same was not entertained on the ground that the last date of surrender has expired.

6. In view of the submissions made by the learned counsel appearing on behalf of the petitioners, the petitioners are directed to surrender on or before 30.09.2024 and if the petitioners surrender on or before 30.09.2024, their bail bonds shall be accepted on the same terms and conditions, as recorded in the order dated 08.07.2024 in Cr. Misc. No. 43424 of 2024.

7. Let a copy of the order be sent to the Superintendent of Police, Madhubani for his perusal and necessary action against the erring official. The Court expects that the Superintendent of Police shall not give any chance to the petitioners to file a modification application again.

8. The order dated 08.07.2024 passed in Cr. Misc. No. 43424 of 2024 is modified to the extent indicated above.

(Satyavrat Verma, J)

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