

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77901 of 2023

In
CRIMINAL MISCELLANEOUS No.51536 of 2015

Arising Out of PS. Case No.-572 Year-2013 Thana- KRITYANAND NAGAR District-
Purnia

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Rekha Devi Wife Of Navin Mahto Resident Of Village - Parora, P.S. - K.
Nagar, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner in this case has been seeking modification of the order dated 10.12.2015 passed by this Court in Cr.Misc. No.51536 of 2015 whereby and whereunder the petitioner had been granted privilege of pre-arrest bail and it was directed that in case of her arrest/surrender before the court below within a period of six weeks from the date of the order she will be released on bail on furnishing bail of Rs. 10,000/- with two sureties of the like amount each in connection with K. Nagar P.S. Case No.572 of 2013.

3. Learned counsel for the petitioner submits that in fact the petitioner belongs to *Adiwasi* community and she had



gone outside the State of Bihar for earning her livelihood. Earlier she had filed an anticipatory bail application but after filing of the case she had left for the State of Punjab for earning her livelihood, therefore, she could not get any information about the grant of anticipatory bail and the requirement to surrender within six weeks.

4. Learned counsel submits that the case has not proceeded as yet and the petitioner has not been declared absconder.

5. Learned APP for the State has opposed this application. It is submitted that there is an extraordinary delay on the part of the petitioner in submitting herself to the jurisdiction of the court and that must have resulted in the arrest of the trial.

6. Having regard to the facts and circumstances of the case, this Court is of the considered opinion that in case the learned court below has not proceeded with the case and the petitioner has not been declared absconder, only in such circumstance if she surrenders and submits her bail bond in terms of the order dated 10.12.2015, the same shall be accepted. In case the petitioner has been declared absconder by the learned court below, the petitioner cannot get benefit of the



order dated 10.12.2015 passed in Cr.Misc. No.51536 of 2015
and on surrender she would be required to seek regular bail in
accordance with law.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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