

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77791 of 2024

In
CRIMINAL MISCELLANEOUS No.68103 of 2024

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

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1. Gambhira Devi wife of Late Uttam Sahani @ Uttim Sahni R/O-village- Bharan Tola, PS- Bisfi, Dist- Madhubani
 2. Pinki Devi Wife of Santosh Sahani R/O-village- Bharan Tola, PS- Bisfi, Dist- Madhubani
 3. Santosh Sahani Son of Late Uttam Sahani @ Uttim Sahni R/O-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
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-10-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners submits that petitioners in compliance of the order dated 13.09.2024 in Cr. Misc. No.68103 of 2024 in Cr. Misc. No.43424 of 2024 filed several applications before the learned trial court for accepting their bail bonds but the same was not accepted on the ground that the criminal antecedent of the petitioners had not reached the court in complete defiance of the order dated 13.09.2024 in Cr. Misc. No.68103 of 2024. The learned counsel submits that petitioners had moved this court seeking anticipatory bail by



filing Cr. Misc. No.43424 of 2024 and the same was allowed by an order dated 08.07.2024 with a condition that the learned trial court before accepting the bail bonds of the petitioners shall verify their criminal antecedents and if it is found that petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to. It is next submitted that petitioners in compliance of the order dated 08.07.2024 in Cr. Misc. No. 43424 of 2024 surrendered but their bail bonds were not accepted on the ground that their criminal antecedent was not furnished by the concerned police official in time, as such, the petitioners filed modification application being Cr. Misc. No.68103 of 2024 for modifying the order dated 08.07.2024 in Cr. Misc. No.43424 of 2024. It is submitted that Cr. Misc. No.68103 of 2024 was disposed of by an order dated 13.09.2024 with a direction to the petitioners to surrender on or before 30.09.2024, further the copy of the order dated 13.09.2024 was sent to the Superintendent of Police, Madhubani for his perusal and necessary action against the erring official. The court also recorded that the Superintendent of Police shall not give any chance to the petitioners to file a modification application again.

3. The Court completely fails to appreciate the



conduct of the Superintendent of Police, Madhubani that as to why he did not make any endeavour for sending the criminal antecedent of the petitioners, which necessitated the petitioners to file the instant modification application.

4. The learned APP is also not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners.

5. In view of the submission made by the learned counsel appearing on behalf of the petitioners, the petitioners are directed to surrender on or before 25.11.2024 and if the petitioners surrender on or before 25.11.2024 their bail bonds shall be accepted without waiting for their criminal antecedent report.

6. The modification application is allowed.

(Satyavrat Verma, J)

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