

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84842 of 2023**

**In**  
**CRIMINAL REVISION No.179 of 2021**

Arising Out of PS. Case No.-29 Year-2008 Thana- HARSIDHI District- East Champaran

1. Maina Devi W/o Bachchan Yadav R/o Village- Ujjain Lohiyar, Tola- Singta, P.S- Harsidhi, Distt.- East Champaran.
2. Bachchan Yadav S/o Late Bishwanath Yadav R/o Village- Ujjain Lohiyar, Tola- Singta, P.S- Harsidhi, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate  
For the Opposite Party/s : Mrs. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      01-03-2024                      Heard learned counsel for the petitioners and the State.

2. This application has been filed seeking extension of time to appear in the learned court below and file an application for restoration of their bail bonds in terms of the order dated 26.07.2022 passed by this Court in Cr. Rev. No. 179 of 2021.

3. In the Cr. Rev. No. 179 of 2021, this Court has passed the following order:-

“Having regard to the submissions noted hereinabove, considering that the NBW has been issued after cancellation of bail of the petitioners only for default on 11.04.2018, the petitioners were very much present on the previous day on 23.03.2018 but no witness had



turned up on that date, for the single day misuse issuance of NBW seems to be an act done in haste. This Court, therefore, sets aside the order dated 11.04.2018 issuing NBW against the petitioners.

The petitioners undertake to appear in the learned court below within three weeks from today and file an appropriate application for restoration of their bail bonds which will be considered and order will be passed keeping in view the fact that this Court has already set aside the order dated 11.04.2018. Thereafter, the petitioners must appear on the date fixed in course of trial.

This application stands allowed to the extent indicated hereinabove.”

4. Learned counsel for the petitioners submits that the petitioners could not make appearance in the learned court below because they were residing in Nepal earning their livelihood. It is also stated that the *pairvikar* of the case did not inform them about the order passed by this Court.

5. Learned counsel for the State is present, however, there is no opposition to this application.

6. Having heard learned counsel for the petitioners and the State, this Court finds that earlier the petitioners were granted three weeks’ time to appear in the learned court below and make an appropriate application for restoration of their bail bonds but the petitioners have not availed the same. After one and half year almost, the present application has been filed.



Although, there is an inordinate delay on the part of the petitioners in approaching this Court, learned counsel for the petitioners submits that only one week time may be granted to the petitioners to appear in the learned court below and seek the benefit of the order dated 26.07.2022 passed by this Court in Cr. Rev. No. 179 of 2021.

7. Considering that the petitioners are ready to appear in the learned court below within one week from today and make an appropriate application in terms of the order passed by this Court in Cr. Rev. No. 179 of 2021, the request of the petitioners is accepted. If the petitioners appear in the learned court below within one week from today and take steps in terms of the order passed by this Court in Cr. Rev. No. 179 of 2021, they would be entitled for the benefit of the said order. It is recorded that no further request for extension shall be entertained.

8. This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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