

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3686 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Upma Kumari, Wife of Sri Satyendra Kumar, Resident of Village-
Bhagwanpur Chatti, Yadav Nagar, P.S- Sadar, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate

For the Opposite Party : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-06-2024 Heard Mr. Krishna Kant Singh, learned counsel for
the petitioner and Mr. Md. Mushtaque Alam, learned APP for
the State.

2. The petitioner in this case has challenged the order dated 22.11.2023 passed by learned Session Judge, Muzaffarpur in Criminal Miscellaneous Case No. 183 of 2023 whereby and whereunder her prayer to extend the date of surrender by modifying the order dated 19.06.2023 passed in ABP No. 648 of 2023 by the learned 14th Additional Sessions Judge, Muzaffarpur has been dismissed.

3. Learned counsel for the petitioner submits that in Muzaffarpur Sadar P.S. Case No. 102 of 2023 registered under Sections 408, 420, 379/34 of the Indian Penal Code, the petitioner being an accused moved an application vide ABP No.



648 of 2023 for grant of anticipatory bail which was allowed vide order dated 19.06.2023. The petitioner was directed to surrender within a period of four weeks and she was ordered to be released on furnishing personal bond of Rs.25,000/- with two sureties of the like amount to the satisfaction of learned court.

4. Learned counsel submits that since the petitioner was suffering from Jaundice and she was under treatment of Dr. Kumari Ruchika and she was advised bed rest for three months, she could not appear before the learned court below and the bail bonds could not be submitted in terms of the order passed by learned 14th Additional Session Judge, Muzaffarpur.

5. It is submitted that the petitioner filed an application dated 04.11.2023 for extension of time, a copy of the said petition has been enclosed as Annexure 'P/4'. This application has been rejected by the learned Session Judge, Muzaffarpur vide the impugned order.

6. Learned counsel submits that the petitioner is a lady, she is mother of single child and has the responsibility of upbringing her child and if the time to surrender is not extended by modifying the order dated 19.06.2023, the petitioner would suffer loss of her liberty and that would cause hardships in her life in many ways.



7. It is submitted that once the petitioner has been found fit for grant of anticipatory bail by the learned court below, she should be allowed an opportunity to furnish the bail bonds by extending the time to surrender and it would be in the interest of justice.

8. Learned APP for the State has opposed this application. It is submitted that the petitioner was given four weeks' time to surrender and submit bail bonds but she failed to avail that opportunity. It is submitted that the learned Session Judge, Muzaffarpur has not committed any error in refusing to extend the time for surrender, hence, to submit the bail bonds.

9. Having heard learned counsel for the petitioner and learned APP for the State as also on going through the order dated 22.11.2023 which is impugned in the present application, this Court finds that the learned Session Judge, Muzaffarpur has not at all considered the submissions made by the petitioner in her application as contained in Annexure 'P/4'. In her application submitted before the court, she has stated that the doctor had suggested her bed rest due to which she could not submit bail bonds. She has also stated that the petitioner is a lady and mother of single child and she has her family responsibilities in absence of her husband.



10. Even otherwise, this Court is of the considered opinion that once the petitioner was found fit for grant of anticipatory bail, she was required to be given one opportunity to surrender and submit her bail bonds.

11. This Court, therefore, finds that the impugned order dated 22.11.2023 passed in Criminal Miscellaneous Case No. 183 of 2023 is not sustainable. It is liable to be set aside and the same is accordingly set aside.

12. The petitioner shall surrender within a period of three weeks from today and submit the bail bonds in terms of the order dated 19.06.2023 granting her anticipatory bail by the learned court below. On her surrender and submission of the bail bonds, the same will be accepted by the learned court below.

13. This application stands allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

