

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.58 of 2025

Arising Out of PS. Case No.-394 Year-2014 Thana- DARIGAON District- Rohtas

1. Radhe Shyam Singh Son of Late Vishwanath Singh Resident of Village - Siguhi, P.S. - Darigaon, District - Rohtas
2. Raj Vansh Singh Son of Late Vishwanath Singh Resident of Village - Siguhi, P.S. - Darigaon, District - Rohtas
3. Manti Kumar @ Angad Kumar Son of Saheb Singh Resident of Village - Siguhi, P.S. - Darigaon, District - Rohtas
4. Vijay Singh @ Vinay Singh @ Vinay Kumar Son of Raj Vansh Singh Resident of Village - Siguhi, P.S. - Darigaon, District - Rohtas
5. Amrendra Kumar Son of Siyaram Singh Resident of Village - Siguhi, P.S. - Darigaon, District - Rohtas
6. Bhanu Pratap Singh @ Bhanu Pratap Kumar Singh Son of Raj Vansh Singh Resident of Village - Siguhi, P.S. - Darigaon, District - Rohtas
7. Pankaj Kumar @ Pankaj Singh @ Pawan Kumar Son of Saheb Singh Resident of Village - Siguhi, P.S. - Darigaon, District - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Govind Singh S/O Shiv Singh R/O Village- Singuhi, P.S- Darigaon, Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Shree Niwas Singh, Advocate
For the Respondent/s	:	Mr.Ahmad Ali, APP Mr.Ashutosh Tripathy, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

- 11 12-03-2026 1.Shorn of unnecessary details, the facts leading to the filling of this criminal revision, in brief are that the petitioners are accused and they have faced trial arising out of Sasaram P.S. Case No.394 of 2014 under Sections 147, 148, 341, 323, 324, 325, 504, 379, 354 of the IPC.



2. Learned Additional Chief Judicial Magistrate-IV, Rohtas, Sasaram by the judgment and order dated 19.08.2019 passed in G.R. Case No.840 of 2014 (Trial No.164/19/C.I.S. No.- 833/2014) convicted and sentenced the petitioners, which are as under:-

(a)-01 year simple imprisonment for the offence under Section 147 of the IPC,

(b)-06 month simple imprisonment for the offence under Section 323/149 of the IPC,

(c)-02 Years' simple imprisonment for the offence under Section 325/149 of the IPC with a fine of Rs.2000/- to each petitioners, in default of payment of fine, additional simple imprisonment for two months,

(d)-02 months simple imprisonment for the offence under Sections 341/149 of the IPC with further direction that all the aforesaid sentences shall run concurrently.

3. Being aggrieved by the above judgment and order dated 19.08.2019, petitioners have preferred Criminal Appeal No.59/2019 before the Court of District and Additional Sessions Judge-X, Rohatas, Sasaram which came to be dismissed vide judgment and order dated 12.11.2024 confirming the judgment and order dated 19.08.2019 of the learned Magistrate (trial



Court) with a direction to the petitioners to surrender within 30 days.

4. Petitioners did not surrender after dismissal of their Criminal Appeal and preferred this Criminal Revision under Section 438 read with Section 442 of the B.N.S.S, 2023 against the above judgment and order dated 19.08.2019 passed by learned Additional Chief Judicial Magistrate-IV, Rohtas, Sasaram as well as against the judgment and order dated 12.11.2024 passed by learned District and Additional Sessions Judge-x, Rohatas, Sasaram.

5. The Office (reporting section) of this Court while reporting this Criminal Revision has pointed out several defects. Out of which one of the defect was that petitioners have not filed surrender certificate.

6. The petitioners have removed all the defects except the defect of filing surrender certificate and they moved supplementary affidavit seeking exemption from filing the surrender certificate. Later-on with the permission of the Court, the said supplementary affidavit was converted into Interlocutory Application No.1/2025.

7. The co-ordinate Bench of this Court after hearing Mr. Vishal Saurabh, learned counsel for the petitioners, Mr. Ahmad Ali,



learned APP for the State and Mr. Ashutosh Tripathy, learned counsel for the O.P. No.2 at length, rejected the said Interlocutory Application of the petitioners vide detail order dated 06.01.2026. The relevant part of the order dated 06.01.2026 is quoted as under:

“I.A. No.01 of 2025

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12. In the present case, this Court is faced with similar predicament. The provision of Rule 57A of the Rules of the High Court at Patna is quite explicit. The aforesaid Rule provides for filing of the surrender certificate if a convict has already



surrendered or to seek leave to surrender within the specified period by filing an application. On sufficient cause being shown, the Court may grant such time and on such condition as it thinks fit and proper. But the Rule does not provide for grant of exemption from surrender to a convict, who has approached this Court as revisionist. Only liberty which has been granted to a convict that if he has not surrendered at the time of filing of the revision petition, he may moved an application seeking leave to surrender within specified period. This liberty cannot be extended to grant of exemption from surrender till disposal of the revision petition.

13. Therefore, in the light of the specific provision in the Rules of the High Court at Patna and the decision of the Hon'ble Supreme Court in the case of Daulat Singh (supra), this Court cannot accede to the prayer of the revisionists/petitioners to grant them exemption from surrender and by a corollary exemption from filing surrender certificate till disposal of the revision petition, as it would be against the specific provision of law. The revision



petition of the petitioners cannot be admitted unless they surrender before the court concerned and brings on record the surrender certificate in terms of Rule 57A of the Rules of the High Court at Patna, 1916. Hence, the authorities cited by the petitioners are of no help to their cause.

14. Accordingly, finding no merit, I.A.No.1 of 2025 is dismissed.

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15. The learned counsel for the petitioners is directed to bring on record surrender certificate within eight weeks, failing which this petition will be dismissed.

16. List the matter on 10.03.2026.”

8. Today, on the matter being taken up, Mr. Vishal Saurabh, learned counsel for the petitioners submits that initially this Criminal Revision was filed through Mr. Babu Nandan Prasad on 07.01.2025. Thereafter he had filed his vakalatnama in this case on 25.03.2025 in the Office. Order dated 06.01.2026 was passed after hearing him as well as counsel for the State and the informant. The said order was communicated by him to the petitioners but thereafter they did not give any response to him.



On asking them to comply the order dated 06.01.2026, they have taken no objection certificate from him and engaged another counsel Mr. Shree Niwas Singh, who had filed his vakalatnama on 11.03.2026, hence, as on date, he has no instruction to appear in the matter, therefore, his name may be deleted from the cause-list.

9. In view of the above this Court heard Mr. Shree Niwas Singh, newly engaged learned counsel for the petitioner, learned A.P.P. for the State and Mr. Ashutosh Tripathy, learned counsel for the O.P. No.2.

10. Mr.Ahmad Ali, learned APP for the State and Mr. Ashutosh Tripathy, learned counsel for the O.P. No.2 raised a preliminary objection that since the instant Criminal Revision has been preferred by the petitioners against their conviction, without surrender certificate and despite having knowledge of order dated 06.01.2026 of this Court, they deliberately did not surrender and changing their counsel time to time with ulterior motive, therefore matter cannot be heard on merit unless the petitioners file surrender certificate.

11. On putting query about the compliance of order dated 06.01.2026 of this Court, Mr. Shree Niwas Singh, learned newly engaged counsel for the petitioner apprised the Court that



petitioners have not surrendered even after the order dated 06.01.2026. He submits that since he has filed his vakalatnama on 11.03.2026, therefore further time may be granted to the petitioners for surrender.

12. Having heard the submissions of learned counsels for the parties as noted above and perusing the record, I find that the Appellate Court while rejecting the Criminal Appeal of the petitioners vide order dated 12.11.2024 had directed the petitioners to surrender within 30 days but they have not complied the said order and without surrendering filed the instant Criminal Revision. Not only this but even after dismissal of petitioner's I.A. No.1/2025 vide above order dated 06.01.2026 and granting eight week's time to them to file surrender certificate, they have not surrendered till date, as such, the intention of petitioners are very much clear that they are not inclined to obey the order of this Court dated 06.01.2026. I also find that one of the prayer of the petitioners is to release them on bail during pendency of this Criminal Revision. Since it is admitted position that the petitioners are not in jail and they are absconding, therefore there is no question for order of releasing them on bail. It is also not in dispute that in the order dated 06.01.2026, there is clear direction to the petitioners to bring on



record surrender certificate within eight weeks, failing which, this petition will be dismissed. This Court finds that petitioners are absconding since 13.12.2024 and despite giving liberty of surrender within eight weeks' by this Court vide order dated 06.01.2026, they did not surrender, hence this Court is of the view that petitioners can not be allowed to misuse the liberty and process of law. On non compliance of above order dated 06.01.2026, this Court has no option except to dismiss this Criminal Revision.

13-Accordingly, this Criminal Revision is dismissed.

14-Trial Court is directed to issue non-bailable warrant against the petitioners to ensure the compliance of order dated 12.11.2024 passed by District and Additional Sessions Judge-X, Rohatas, Sasaram in Criminal Appeal No.59/2019.

15-Copy of this order be communicated to the trial Court concerned immediately.

16-It is made clear that this order will not come in the way, if the petitioners file fresh Criminal Revision after their surrender.

(Sanjay Kumar Singh , J)

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