

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.27589 of 2018**

Arising Out of PS.Case No. -1135 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-  
SITAMARHI

=====

Ram Pukar Singh S/o Late Ram Bilash Singh Resident of Village Khairwa, P.S.  
Bela, District Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Lekhan Mahto S/o Late Rameshwar Mahto Resident of Village - Khairwa,  
P.S. Bela, Distt - Sitamarhi.

.... .... Opposite Party/s

=====

**Appearance :**

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

For the Opposite Party/s : Smt. Anita Kumari Singh, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date: 31-08-2018**

By order dated 17.06.2017, the learned Session Judge,  
Sitamarhi had granted pre-arrest bail to the petitioner in Complaint  
Case No. C 1/1135 of 2016 in which cognizance was taken for the  
offence punishable under Section 406 of the Indian Penal Code. The  
operative part of the order reads as under:-

“Under the facts and circumstances set forth above,  
since the nature of dispute of civil nature and  
petitioners are mother, bhabhi and father of co-  
accused Manoj Singh, the instant anticipatory bail  
application is worth consideration and in the event  
of arrest or surrender of the petitioners, named  
above, within a period of four weeks from today,  
they shall be released on bail on furnishing bail-



bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court below subject to the conditions, as laid down u/s 438 (2) of the Cr.P.C.”

2. Though, the other two petitioners, namely, Sudama Devi and Nitu Devi surrendered in time and furnished bail-bond, the present petitioner could not appear before the court within the stipulated period of four weeks for furnishing bail bond.

3. A petition for modification of the order dated 17.06.2017 was filed on behalf of the petitioner whereby it was prayed that the period of surrender granted by the court be extended. However, the said application was rejected vide order dated 30.08.2017.

4. Against the said order dated 30.08.2017, the petitioner has filed the present application under Section 482 of the Code of Criminal Procedure.

5. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. He is a saintly man, who had gone outside the state to attend Satsang during the relevant period. Thus, he could not appear within the time granted by the Court. He submitted that the petitioner is a law abiding citizen and is ready to surrender and furnish bail bond if an opportunity is given to him. He contended that if the period of surrender granted by the court



below is not extended, for no good reason, the petitioner may be remanded to judicial custody, which would not serve any purpose.

6. I have heard learned counsel for the petitioner and learned counsel for the State.

7. Though, no plausible explanation is there for not appearing before the court within the time granted by the court below, taking a lenient view, I allow this application and set aside the order dated 30.08.2017 passed by the court below. The petitioner is directed to appear before the court concerned and furnish bail-bond in terms of the order dated 17.06.2017 passed by the learned Session Judge, Sitamarhi in A.B.P. No. 761 of 2017 within three weeks from today.

In case, the petitioner fails to appear and furnish bail-bonds, as directed by the court below within three weeks, the concerned Magistrate shall be at liberty to proceed against him and take all coercive steps in order to secure his appearance before the court.

**(Ashwani Kumar Singh, J)**

Pradeep/Sneha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2018
Transmission Date	05.09.2018

