

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34763 of 2015

Arising Out of PS.Case No. -55 Year- 2009 Thana -MARKAHI District- KHAGARIA

- =====
1. Varun Sada
 2. Dilip Sada Both are sons of Late Laddu Lal Sada, R/o Village - Amousi,P.S. - Morkahi, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Phulen Yadav

For the Opposite Party/s : Mr. Arun Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 10-11-2015

Heard learned counsel for the petitioners Varun Sada and Dilip Sada of Cr. Misc. No. 34763 of 2015 which was disposed of with Cr. Misc. No. 31799 of 2015 and the learned A.P.P. for the State.

On behalf of the petitioners it is submitted that inadvertently in fifth paragraph of the order dated 05.11.2015 it has come that the petitioners are not named in the FIR, but as a matter of fact petitioner Kundan Sada @ Manoj Sada in Cr. Misc. No. 31799 of 2015 is not named in the FIR and he was suffering in custody since 20.01.2014, whereas, petitioners Varun Sada and Dilip Sada in Cr. Misc. No. 34763 of 2015 are named in the FIR who are suffering in custody since 05.06.2015.

In the facts and circumstances stated above,

paragraph-5 of the order dated 05.11.2015 is modified and in place of paragraph-5 the following paragraph-5 be read:-

“Submission is of false implication and that the petitioner Kundan Sada @ Manoj Sada is not named in the FIR, but subsequently his name has come during course of investigation. He is suffering in custody since 20.01.2014, whereas, petitioners Varun Sada and Dilip Sada are named in the FIR and are suffering in custody since 05.06.2015. In this case other co-accused who are also named in the FIR have been convicted by the trial court but have already been acquitted by another Division Bench of this Court vide Cr. Appeal No. (D.B) 226 of 2012 and further one co-accused Devendra Chaudhary has been allowed bail vide order dated 06.03.2013 passed in Cr. Misc. No. 1046 of 2013 and there is no progress in the trial. The petitioners undertake to remain present on each and every date during trial”.

Accordingly, prayer is allowed.

(Jitendra Mohan Sharma, J)

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