

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49444 of 2014

Arising Out of PS.Case No. -109 Year- 2014 Thana -RAGHUNATHPUR District- SIWAN

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1. Rajendra Ram @ Dashrath Ram, Son of Ram Chandra Ram
2. Binda Devi w/o Rajendra Ram @ Dashrath Ram
Both residents of Village - - Ugo, P.S- Raghunathpur, District - Siwan
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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6 29-04-2015 In this case, after hearing learned counsel for the petitioners, learned Addl. Public Prosecutor as well as Sri Sanjay Kumar Pandey, learned counsel, who had voluntarily appeared on behalf of the informant on 04.03.2015, an order was passed for allowing the petitioners to be released on bail. However, before signing the order, some discrepancy was noticed and, as such, the matter was directed to be listed under the heading “To Be Mentioned” on 9th March, 2015 and thereafter readable photo copy of the F.I.R. of Raghunathpur P.S. Case No.109 of 2014 and Raghunathpur P.S. Case No.106 of 2014 was called for, which has been received and kept at Flag-A. On perusal of the F.I.R. it is evident that the present bail petition was filed in a case registered for the offence under Section 457/380 of the Indian Penal Code in Reghunathpur P.S. Case No.109 of 2014. However, in para-1 of

the bail petition it was mentioned as Sections 379 and 411 of the Indian Penal Code. Similarly, in para-3 in respect of Raghunathpur P.S. Case No.106 of 2014, it was indicated that same was registered for the offence under Section 457/380 of the Indian Penal Code.

Sri Naresh Dixit, learned counsel for the petitioners submits that due to inadvertence and in view of the fact that in the impugned order itself such Sections were mentioned, the error has been committed and in the bail petition, incorrect Sections were mentioned. Since learned counsel for the petitioners has accepted this error and in view of no substantial change in the facts of the case, the Court is of the opinion that the petitioners deserve to be released on bail. They are in custody since 02.08.2014 in a case, which was registered for the offence under Sections 457/380 of the Indian Penal Code.

Accordingly, both the petitioners, namely (1) Rajendra Ram @ Dashrath Ram (2) Binda Devi are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Learned Sessions Judge, Siwan in connection with Reghunathpur P.S. Case No.109 of 2014.

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(Rakesh Kumar, J)