

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38066 of 2015

1. Nurul Haque
2. Najmul Haque

Both are sons of Late Jainul Abdin, Resident of Basmatia, Ward No. 10,
P.S. Narpatganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Narsing Tanti(App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

2 16-09-2015 Heard.

It is submitted on behalf of the petitioners that petitioners came before this court in Cr. Misc. No. 47980 of 2014 for grant of anticipatory bail but the aforesaid Cr. Misc. No. 47980 of 2014 was disposed of by this court vide order dated 28.07.2015 directing the petitioners to surrender before the court of Chief Judicial Magistrate, Araria/concerned court in connection with Narpatganj (Basmatia) P.S. Case No. 44 of 2014 within four weeks from the above stated date and furthermore, the concerned court was directed to pass appropriate order in the



light of decision rendered by a co-ordinate Bench of this Court in **Mahendra Prasad Singh vs. The State of Bihar reported in 2004(3) PLJR page 491**. It is further contended that while giving the aforesaid direction, this court observed that petitioners were granted bail by the police but inadvertently it was mentioned in order dated 28.07.2015 that police submitted charge sheet for the bailable offence and cognizance has been taken under non-bailable sections but as a matter of fact, the investigation of the above stated case is still going on and the Dy.S.P, in supervision report, has found the case true under Section 307 of the Indian Penal Code and directed the investigating officer to arrest the petitioners.

In view of the aforesaid submissions, in para 2 of order dated 28.07.2015 passed in Cr. Misc. No. 47980 of 2014, the sentence “ **after investigation, police submitted charge sheet for the bailable offence but cognizance has been taken under non-bailable sections**” shall not be read and shall be deemed to be redundant.

Accordingly, the order dated 28.07.2015 passed in Cr. Misc. No. 47980 of 2014 stands modified to the above stated extent and this modification petition stands disposed of with direction to petitioners to surrender before the concerned court

within four weeks from today and if they do so, the concerned court shall pass appropriate order in the light of order dated 28.07.2015 passed in Cr. Misc. No. 47980 of 2014.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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