

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45526 of 2015

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1. Asjad Ali S/o Md. Haider Ali resident of village - Sondho Bazar, P.S. -
Garoul, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sahjahan d/o Taj Ansari, vill Sondho Gulzar P.O. Sondho, P.S. Garoul
District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Adv
For the Opposite Party/s : Smt. Sharda Kumari(App)
For the Informant : Mr. Manish Chandra Gandhi, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 04-11-2015

Heard learned counsel for the parties.

This application has been filed for modification in
the order dated 26.08.2015 passed in Criminal
Miscellaneous No. 25512 of 2015, as with regard to
condition no. 4, which reads as follows:-

*“If, on the other hand, it is found that Goraul
P.S. Case No. 142/2015 is still continuing and the police
has not filed the final form as on today, the petitioner
shall be taken into custody, whereafter his prayer for
regular bail will be considered on its own merits without
being prejudiced by the present order.”*

Mr. Jha with the certified copy of the final form,
has submitted that as a matter of fact the police had
already submitted its final form on 18.05.2015, but the
same was not recorded in the ordersheet of the Court and
therefore, whatever was said by Mr. Jha, in relation to



Goraul P.S. Case No. 142 of 2015, cannot be said to be incorrect, inasmuch as, the police had not only submitted final form on 18.05.2015, against the petitioner, but had also recommended for taking action against the informant for filing false case under Section-182/211 of the Indian Penal Code.

Learned counsel for the informant, has on the other hand has submitted, that the petitioner and his counsel has been changing their stand from time to time as with regard to the criminal antecedent, such stand was changed while recording the order dated 26.08.2015 and for which it is being said that the police had filed the chargesheet on 18.05.2015,s whereas the fact remains that such chargesheet was not received in the Court till 26.08.2015.

This Court however would find no merit in the aforesaid submission of learned counsel for the informant inasmuch as it would be apparent from the reading of the order of this Court that there had been a false case filed against the petitioner in which police had already filed

final form on 18.05.2015. Thus whether it was received in the Court on 18.05.2015 and even till 26.08.2015, will not be going to the root of the matter because, this Court was only impressed with the filing of the final form and that position is not being controverted by the learned counsel for the informant and in fact, he cannot do so, because he himself has filed protest petition on 27.08.2015, after the order of this Court dated 26.08.2015.

In that view of the matter, this Court will have no difficulty in deleting the aforementioned condition no. 4, of the order dated 26.08.2015. Consequently, the time of surrendering the petitioner is also extended by another period of four weeks from today.

With the aforementioned observation and direction, this application for modification in the order dated 26.8.2015 in Cr. Misc. No. 25512 of 2015 is allowed.

(Mihir Kumar Jha, J)

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