

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1205 of 2015

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Jay Jay Ram Yadav son of Late Khushi Lal Yadav, resident of village -
Rakhouta Ratni Tola, P.S. - Sonbarsa Raj, District -Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das, Advocate

For the Opposite Party/s : Dr.M.K.Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-02-2015

The instant application under section 482 of the Code of

Criminal Procedure has been filed by the petitioner seeking
modification of the order dated 4th September, 2014 passed in
Cr.Misc. No.28064 of 2014.

It has been contended that the petitioner is not an
accused in Sonbarsa Raj P.S. Case No.76 of 2009 which has been
filed by one Bhupendra Mukhia son of Late Bhim Mukhia. In that
case Late Khushi Lal yadav, the father of the petitioner was
witness to the FIR. Due to inadvertence the photo copy of the FIR
of Sonbarsa Raj P.S. Case No.76 of 2009 had been filed in Cr.
Misc. No. 28064 of 2014 as annexure-1 to the bail petition. As a
matter of fact, the petitioner has been made accused in Sonbarsa
Raj P.S. Case No.76 of 2011 and he was seeking bail in that case.
He has also submitted that FIR of Sonbarsa Raj P.S. Case No.76
of 2011 was also appended in the said Cr. Misc. No.28064 of

2014. Learned counsel for the petitioner has further submitted that in the aforesaid application in paragraph-1 Sonbarsa Raj P.S. Case No.76 of 2011 had been correctly typed but due to inadvertence year of the said case had been corrected as 2009. The impugned order which had been annexed with the bail petition was also of Sonbarsa Raj P.S. Case No.76 of 2011.

Learned counsel for the State does not oppose the prayer for modification of the aforesaid order.

It would appear from the aforesaid order dated 4th September, 2014 that while granting bail the FIR of Sonbarsa Raj P.S. Case No.76 of 2011 was taken into consideration but due to inadvertence committed by the counsel for the petitioner in the bail petition, in the order dated 4th September, 2014 case number was typed as Sonbarsa Raj P.S. Case No.76 of 2009.

Having regard to the facts and circumstances of the case, the prayer for modification of the aforesaid order dated 4th September, 2014 passed in Cr. Misc. No.28064 of 2014 is allowed. In the aforesaid order Sonbarsa Raj P.S. Case No. 76 of 2009 be read as Sonbarsa Raj P.S. Case No.76 of 2011.

(Ashwani Kumar Singh, J)

Md.S./-

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