

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32916 of 2016

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1. Teju Ghoshi S/O Karamat Ghoshi R/O village- Sagar Alamganj, Ghoshi Tola, P.S.- Sasaram (Town), District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 18-08-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

This petition has been filed on behalf of the petitioner for modification in the order dated 14.07.2016 passed in Cr. Misc. No. 28437 of 2016.

Submission on behalf of the petitioner is that petitioner was made accused in Sasaram(T) P.S.case No. 1341 of 2015 registered under section 307 and other minor sections of the Indian Penal Code as well as various sections of the Arms Act. Petitioner moved for bail before this Court vide Cr. Misc. No. 28437 of 2016 and a co-ordiante Bench of this Court was pleased to grant bail to the petitioner vide order dated 14.07.2016 with certain conditions and one of the conditions was to give affidavit disclosing this fact

that petitioner is not an accused in any other case and, if he is, he shall not be released on bail. It is further submitted that as a matter of fact, petitioner was made accused in Sasaram Nagar P.S. Case No. 1208 of 2015 registered under sections 341, 323, 379, 504/34 of the Indian Penal Code and he was remanded in the aforesaid case on 09.06.2016 but due to communication gap, he could not inform his learned counsel, who had filed Cr. Misc. No. 28437 of 2016 and that was the reason, the detail of Sasaram Nagar P.S. Case No. 1208 of 2015 could not be mentioned in Para-3 of Cr. Misc. No. 28437 of 2016 and, therefore, the above stated laches was not intentional.

In view of the above stated submissions, the order dated 14.07.2016 passed in Cr. Misc. No. 28437 of 2016 stands modified to the above stated extent that one of the conditions regarding the filing of an affidavit, giving the antecedent of the petitioner, is struck off and, accordingly, this modification petition stands disposed of in the manner as stated above.

(Hemant Kumar Srivastava, J)

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