

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53860 of 2015

Arising Out of PS.Case No. -43 Year- 2013 Thana -SHIWAPATHI District- MUZAFFARPUR

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1. Rajesh Kumar @ Ajeet Kumar S/o Ram Babu Yadav R/o Village-
Fazilpur, P.S.- Rajepur, District- East Champaran Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Amit Kumar Rakesh, Adv.

For the Opposite Party : Mr. Abhay Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

5 18-02-2016

This matter has been brought under the heading to be mentioned at the instance of the Court for modifying the order, dated 11.02.2016.

It has been pointed out that due to inadvertence the order passed on 11.02.2016 in Cr. Misc. No. 53860 of 2015, which is order for bail, has wrongly been typed in the title page of Cr. Misc. No. 53887 of 2015, which is as follows :

“3/ 11-02-2016 : Heard the learned counsel for the petitioner and the State.

This is a petition for grant of regular bail for offence under Section 395 of the Penal Code.

The learned counsel for the petitioner submits that the petitioner is in jail since 16.06.2014, however, submits that he has not been named in the first information report nor he has been put on test identification parade and only material against the petitioner is that it is alleged that a sim has been recovered from the possession of this petitioner, bearing no. 9546427616 and it is alleged that this sim is looted sim of the informant, however, in the first information report the number of two sim, which have been alleged to have been recovered is 9430853051 and 9199876321, hence, the sim alleged to have been recovered from the possession of this petitioner is not the looted sim. The petitioner has got criminal antecedents and 22 cases are pending against him.

Hence, having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each

in connection with Piprakothi P.S. Case No. 72 of 2015 to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, subject to the conditions that one of the bailors shall be a close relative of the petitioner, who will file affidavit to the effect that the petitioner shall not indulge in such activity further and if he indulges, then, the deponent must inform the Court about the indulgence of the petitioner and the Court below, itself, shall proceed to cancel the bail bond of the petitioner and the petitioner shall file hazari in the nearest Police Station once in fortnight for one year and if any criminal activity of the petitioner is pointed out, then, the trial Court shall proceed for cancellation of the bail”.

The order no. 4, dated 11.02.2016, passed in Cr. Misc. No. 53860 of 2015, which is as follows, should have been typed in Cr. Misc. No. 53887 of 2016.

“4/ 11-02-2016 : As prayed for by the learned counsel for the petitioner, put up after one week, i.e., on 19th February, 2016”.

Let the adjournment order no. 4 is substituted and be read as order no. 3, dated 11.02.2016, in the following terms :

“3/ 11-02-2016 : Heard the learned counsel for the petitioner and the State.

This is a petition for grant of regular bail for offence under Section 392 of the Penal Code.

The learned counsel for the petitioner submits that the petitioner is in jail since 16.06.2014, however, submits that he has not been named in the first information report nor he has been put on test identification parade and only material against the petitioner is that it is alleged that a sim has been recovered from the possession of this petitioner, bearing no. 9546427616 and it is alleged that this sim is looted sim of the informant, however, in the first information report the number of two sim, which have been alleged to have been recovered is 9430853051 and 9199876321, hence, the sim alleged to have been recovered from the possession of this petitioner is not the looted sim. The petitioner has got criminal antecedents and 22 cases are pending against him.

Hence, having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Siwaipatti P.S. Case No. 43 of 2013 to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, subject to the conditions that one of the bailors shall be a close relative of the petitioner, who will file affidavit to the effect that the petitioner shall not indulge in such activity further and if he indulges, then, the deponent must inform the Court about the indulgence of the petitioner and the Court below, itself, shall proceed to cancel the bail bond of the petitioner and the petitioner shall file hazari in the nearest Police Station once in fortnight for one year and if any criminal activity of the petitioner is pointed out, then, the trial Court shall proceed for cancellation of the bail”.

In place of offence under Section 395 of the Penal Code, it be read offence under Section 392 of the Penal Code, in place of Police Station case number, it be read as Siwaipatti P.S. Case No. 43 of 2013 and in place of the Court to which satisfaction the bail has been granted be read as Chief Judicial Magistrate, Muzaffarpur.

The order, dated 11.02.2016, is modified to the extents indicated above.

(Gopal Prasad, J)

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