

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26812 of 2016

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Manish Kumar Jha @ Sonu Kumar Sachin, S/o Vijay Kant Jha, Resident of
village - Dumaria, P.O/P.S. Vadeshwar Jogbani Forbesganj, District -
Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mishra, Advocate
Mr. Rishikesh Ojha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 14-07-2016

Heard parties.

This application has been filed for modification of the order dated 8.04.2016 passed in Cr. Misc. No.35808/2015 as while describing the name of petitioner no.2 (herein the petitioner), it was shown to be son of Gopal Jha whereas it is contended that actually the petitioner no.1 is son of Gopal Jha and the petitioner no.2 is son of Vijay Kant Jha.

Learned counsel fairly submits that the aforesaid description was given in the bail application as well as in the Vakalatnama itself which had led to an error in the order passed by this Court also. He points out that, in the FIR, parentage of the petitioner no.2 has not been stated whereas the same stands stated with respect to the accused Jitendra Jha being son of Gopal Jha but inadvertently, the same parentage of this petitioner has also been given as Gopal Jha by the petitioner. Copies of several documents

have been appended to impress upon this Court that the parentage of the petitioner being claimed is correct, such as, School Leaving Certificate, Voter's Identity Card issued by the Election Commission of India as well as the admit card issued by the Bihar School Examination Board. Learned counsel submits that there is no *lis* between the prosecution and the accused petitioner with respect to his parentage.

There is no opposition on behalf of the State to the aforesaid modification.

Accordingly, let the order dated 8.04.2016 passed in Cr. Misc. No.35808 of 2015 be deemed to have been passed with respect to this petitioner being Manish Kumar Jha @ Sonu Kumar Sachin, son of Vijay Kant Jha.

The period of surrender in connection with Forbesganj P.S. Case No. 116/2015 (G.R.No.899/2015) is extended further by four weeks.

This application stands modified to the aforesaid extent for the purpose of grant of bail only. However, the same would be without prejudice to the right of prosecution to raise the issue of parentage of the petitioner if the same is required and such situation arises in future.

(Dr. Ravi Ranjan, J.)

V.K. Pandey/-

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