

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39194 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -KHAZANIHAT District- PURNIA

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Gufran, son of Abdul Quiyum, resident of village- Rampur, Police Station- Forbesganj, District- Araria, at present resident of village- Majhua, Rewahi, P.S. Narpatganj, District-Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Hussain

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 28-09-2016 Learned counsel for the petitioner is permitted to make correction in paragraph-8 of the petition.

In the present case, by order dated 26.09.2016, the petitioner was directed to be released on bail in the event of arrest or surrender. Thereafter, yesterday (i.e. 27.09.2016) a mentioning slip was filed by learned counsel for the petitioner with indication that in the bail petition, an incorrect statement was made to the extent that the petitioner was not named in the First Information Report. However, he submits that due to inadvertence, such statement was recorded in the petition, whereas fact remains that the petitioner's name was incorporated in column no.7 i.e. column of accused persons in the F.I.R. and in the body , his name has come on the basis of confession of co-accused.

Learned counsel for the petitioner tenders

unqualified apology for the error, which has occurred in the petition.

It is true that in the petition, a statement was made that the petitioner was not named in the F.I.R. However, as per facts disclosed in the F.I.R, it is evident that the petitioner's name has come on the basis of confession of co-accused and he was having clean antecedent, which fact has been mentioned in paragraph-3 of the petition and, as such, there is no need to recall my earlier order. It is made clear that in second paragraph of the order dated 26.09.2016 i.e.“ the sole petitioner, who is **not** named as accused in the F.I.R”., the word “**not**” may be considered as expunged.

The order is modified to the extent as indicated above.

(Rakesh Kumar, J)

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