

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18439 of 2018

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1. Manisha Chaudhary, wife of Ashish Narain Jha,
 2. Anamika Chaudhary @ Lovely Chaudhary daughter of Manmohan Chaudhary,
 3. Sapna Chaudhary wife of Manmohan Chaudhary,
All 3 are resident of village + P.S.- Pandul, District- Madhubani.
 4. Pranay Kumar Jha, son of Late Ramanand Jha, resident of Bhawanipur, P.S.- Pandul, District- Madhubani.
 5. Abha Jha, wife of Randhir Kumar Jha,
 6. Sudhir Kumar Chaudhary, son of Late Mahendra Narain Jha,
Petitioner Nos. 5 and 6 are resident of Balbhadarpur, P.S.- Laherisarai, District- Darbhanga.
 7. Indra Devi, wife of Ramanand Jha, resident of Bhawanipur, P.S.- Pandul, District- Madhubani.
 8. Randhir Kumar Jha, son of Hareram Jha, resident of Balbhadarpur, P.S.- Laherisarai, District- Darbhanga.
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.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohit Shrivastava, Advocate
For the State : None
For the Informant : Mr. Rajendra Narayan, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 31-07-2018 Heard Mr. Mohit Srivastava, learned counsel for the petitioners and Mr. Rajendra Narayan, learned Senior Advocate for the informant. Despite repeated calls, nobody appears on behalf of the State.

2. The petitioners have filed the instant application under Section 482 of the Code of Criminal Procedure for modification of the order dated 17.02.2018 passed by this court in



Cr. Misc. No. 9188 of 2018. By way of an Interlocutory Application vide I.A. No. 1772 of 2018, the petitioners have prayed for extension of three weeks' time to surrender before the court below in terms of the aforestated order dated 17.02.2018.

3. Mr. Mohit Srivastava, learned counsel for the petitioners submitted that due to clerical inadvertence, there was typographical error in the cause title of the application filed under Section 438 of the Cr.P.C. by the petitioners vide Cr. Misc. No. 9188 of 2018 as a result of which in the order dated 17.02.2018 passed in Cr. Misc. No. 9188 of 2018 a wrong address of the petitioners had been mentioned. He submitted that petitioners no.1, 2 and 3 are residents of village and P.S.- Pandul, District-Madhubani. Similarly, the petitioners no. 4 and 7 are resident of Bhawanipur, P.S.-Pandul, District- Madhubani and the petitioners no. 5, 6 and 8 are residents of village Balbhadrapur, P.S.- Laheriasarai, District- Darbhanga. He contended that even in the first information report their address is given as mentioned above but due to typographical inadvertence in Cr. Misc. No.9188 of 2018, the petitioners no.1 to 6 are shown as resident of village-Balbhadrapur, P.S.-Laheriasarai, District-Darbhang and petitioner nos. 7 and 8 are shown as resident of village-Bhawanipur, P.S.- Pandul, District- Madhubani. He further



contended that the petitioners were granted pre-arrest bail by order dated 17.02.2018 passed by this court whereby six weeks time was granted to them to surrender and furnish bonds and sureties to the satisfaction of the court below. However, they could not surrender in view of wrong address mentioned in the cause title.

4. He pleaded that non-surrender of the petitioners before the court below was neither deliberate nor willful rather they were advised by the counsel conducting the case in the court below to first get their addresses modified and, accordingly, a petition for modification has been filed before this Court.

5. Opposing the application of the petitioners, Mr. Rajendra Narayan, learned Senior Advocate appearing for the informant contended that the modification sought for in the order dated 17.02.2018 is fit to be rejected. He submitted that the prayer for extension of time to appear before the court below to furnish bonds and sureties or for correction in the address of the petitioners has not been made in time and a belated application has been filed before this Court on 29.03.2018. He submitted that the plea for correction in the address of the petitioners in the cause title of the order dated 17.02.2018 is nothing but an excuse in order to cover up the default caused by the petitioners in appearing before the court below in time and complying with the order.



6. I have heard learned counsel for the parties and carefully perused the record.

7. Since the modification has been sought for by the petitioners in the address mentioned in the cause title of the order dated 17.02.2018 due to typographical error of the typist, I see no reason to disallow the said prayer. Further, since the petitioners have been granted pre-arrest bail in a case registered, *inter alia*, under Sections 323, 452, 380 and 387 of the Indian Penal Code, I do not see any merit in the objection of the informant in respect of extension of time sought for by the petitioners. The time granted by this Court vide order dated 17.02.2018 to the petitioners was just to enable them to furnish bonds and sureties after appearing before the court. For one reason or another, if they have failed to appear before the court below within the stipulated time, in the opinion of this Court it would not be in the interest of justice to refuse the prayer for extension of time for appearing before the court in order to furnish bonds and sureties to the satisfaction of the court below.

8. In that view of the matter, I allow this petition. The correct address of the petitioners indicated hereinabove in paragraph-3 shall be deemed to be the address given in the cause title of the order dated 17.02.2018 passed in Cr. Misc. No.9188 of



2018 by this Court.

9. The period of six weeks' time from the date of the order dated 17.02.2018 passed in Cr. Misc. No.9188 of 2018 for appearing before the court below for furnishing bonds and sureties is further extended by three weeks from the date of production/receipt of a copy of the order in the court below.

(Ashwani Kumar Singh, J)

Md.S./-

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