

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6715 of 2018

Arising Out of PS. Case No.-484 Year-2017 Thana- JAHANABAD District- Jehanabad

Vikash Kumar, S/o Sudarshan Singh @ Sudarshan Singh, Resident of Village-
Nadaura, P.S.- Kurtha, District- Arval, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra
For the Opposite Party/s : Mr. HARENDRA PRASAD

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-02-2018 The present application was placed under the heading

‘For Orders’ on 02.02.2018 with a defect, pointed out by the

Stamp Reporter, in respect of the order passed by the Sessions

Court. The relevant extract of the order dated 6.11.2017 passed

by the Sessions Court in Excise Case No. 879 of 2017 is as

under:-

“Considering the facts and
circumstances of the case, I do not inclined to
enlarge the petitioner Vikash Kumar is directed
to be enlarged on bail on executing bail bond of
Rs. 10,000/- with two sureties of the like
amount each to the satisfaction of the court.”

The Coordinate Bench of this Court permitted two weeks’

time to the counsel for the petitioner for filing the corrected

order passed by the learned Sessions Court and further sought

for an explanation from the Additional Sessions Judge-II,

Jehanabad with regard to the order dated 06.11.2017 passed in



Excise Case No. 879 of 2017.

In compliance to the said order, the certified copy of the entire order-sheet was filed on behalf of the petitioner on 13.02.2018. From perusal of the same, it is evident that by order dated 05.12.2017, the order dated 06.11.2017, passed by the Court below, was corrected. The said typographical error was made due to cut and paste at the time of generating the order from the computer.

An explanation dated 08.02.2018 has also been filed on behalf of the Additional Sessions Judge-II, Jehanabad. The relevant extract of the explanation is as follows:-

“Most humbly and respectfully this is to submit with regard to the matter concerned/subject that the order dt 06.11.17 passed in Excise Case No. 879 of 2017 was typed by Steno Sri Birendra Jha which was not in accordance with my dictation. After typing with other records he (steno Sri Birendra Jha) placed before me for signature and had obtained my signature which I came to know later on as in the last paragraph he was given dictation for hence it is rejected.” and instead there of he has typed about direction to be released on bail. The order was fully corrected by a fresh order dated 05.12.2017 and it was also observed that the order shall be effective from 05.12.2017 the date of correction.”

Considering the aforesaid facts and circumstances, since the said typographical error was due to cut and paste at the time of generating the order from the computer, the explanation



submitted on behalf of Additional Sessions Judge-II, Jehanabad is hereby accepted.

But in future, the learned Additional Sessions Judge-II, Jehanabad should be cautious at the time of signing the orders so that such errors may not take place.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-b)(a), 26, 35 of the Arms Act and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 9 liters wine along with one country made loaded pistol with one live cartridge and three stolen motorcycle are recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.07.2017 and has got no criminal antecedent. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 9 liters wine is recovered from the car in question along with one country made loaded pistol with one live cartridge and three stolen motorcycle. The car in question does not belong to the



petitioner. There is no compliance of Section 100 Cr.P.C. Other co-accuseds have been granted bail vide orders dated 17.02.2018 and 15.12.2017 passed in Cr. Misc. Nos. 62953 of 2017 and 55310 of 2017 respectively.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jehanabad in connection with Excise Case No. 879 of 2017 (arising out of Jehanabad P.S. Case No. 484 of 2017).

(Sudhir Singh, J)

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