

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30387 of 2018

=====

Shiv Shankar, S/o Sri Mohan Mahto, Resident of Mohalla -
Hathsarganj (Brahmsthan), P.S. - Town Hajipur, Dist -
Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 27-06-2018 The petitioner was granted bail by a Bench of this Court *vide* order dated 07.03.2014, passed in Cr. Misc. No. 52320 of 2013, with the condition that in the event of the arrest/surrender of the petitioner before the court below within a period of four weeks along with a duly verified application supported by personal affidavit of the intention of depositing the amount of Rs. 47,000/- in Court, the petitioner would be enlarged on bail.

Unfortunately, it has been submitted on behalf of the petitioner, the number of the complaint case, *viz.* Complaint Case No. 3637 of 2011, in the order dated



07.03.2014 was wrongly typed as Complaint Case No. C1-363/011. In fact, this mistake has crept in the order which is sought to be modified because of the wrong entry in the certified copy of the complaint petition.

Finding the aforesaid lacunae, the petitioner filed an application before the concerned Court for issuance of a fresh certified copy of the complaint petition with the correct number. This process took a long time and, therefore, the petitioner could not surrender on time.

Though the present petition has been filed much belatedly, but considering the fact that the case is one under Section 138 of the Negotiable Instruments Act and the petitioner is ready to pay Rs. 47,000/-, though under protest, this Court deems it appropriate to modify the order dated 07.03.2014 to the extent that if the petitioner, above named, surrenders before the court below within three weeks from today along with the affidavit which was directed to be filed by the order dated 07.03.2014, he shall be released on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur, in connection with Complaint Case No. 3637 of 2011.

It is made clear that the other conditions



imposed *vide* order dated 07.03.2014, passed in Cr. Misc. No. 52320 of 2013, shall subsist.

With the aforesaid modification, the present petition is allowed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

