

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26876 of 2019

In
CRIMINAL MISCELLANEOUS No.12513 of 2018

Arising Out of PS. Case No.-30 Year-2017 Thana- CHANDRADIP District- Jamui

BHUNESHWAR YADAV @ BHUNI YADAV Son of Kailu Yadav @ Kelu
Yadav Resident of Village-Matwalawa, P.S.- Chandradeep, District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-04-2019 Heard both sides.

By way of present modification application, the petitioner seeks to modify the order dated 28.02.2018 passed in Cr. Misc. No. 12513 of 2018 stating that vide order dated 28.02.2018, petitioner along with others were granted the privilege of anticipatory bail, however, since the name of alias name of petitioner has wrongly been mentioned in the petition for grant of anticipatory bail as Gyaneshwar Yadav instead of Bhuni Yadav, the same has also been recorded in the order dated 28.02.2018 and due to which, he could not surrender before the court below and now prays that his alias name be read as Bhuni Yadav in place of Gyaneshwar Yadav and further time may be granted to surrender in the court below.

In this case order was passed on 28.02.2018 with



direction to the petitioner to surrender in the court below within a period of four weeks but the petitioner did not surrender and has now come after lapse of one year for modification of the order by filing the present modification application. No doubt, the mistake may be genuine and name of petitioner may be read as Bhuneshwar Yadav @ Bhuni Yadav, however, I am not inclined to interfere with the order dated 28.02.2018 passed in Cr. Misc. No. 12513 of 2018 and further also not inclined to extend the period of surrender, however, he may surrender in the court below within a period of four weeks from the date of receipt of this order and pray for regular bail and if any such application is filed, the court below after considering the fact that the petitioner was earlier granted privilege of anticipatory bail by the then coordinate Bench of this Court vide order dated 28.02.2018 but due to some error in his petition, he could not surrender in time, shall dispose of the prayer for bail of the petitioner, if possible on same day.

With the above observation, this modification application stands disposed of.

(Vinod Kumar Sinha, J)

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