

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63636 of 2018

Arising Out of PS. Case No.-1726 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Priti Hansh W/o Ritesh Kumar D/o Sri Ram Gopal Gupta Resident of Village-
Mandai P.S. Sasaram Nagar, Distt.-Rohtas

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ritesh Kumar S/o Ashok Kumar Gupta, resident of Atrs. No.2-78, J.M.
Colony, Shakatinagar, P.S. Shakatinagar, District Sonbhadra (U.P.).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-07-2019 The present application has been filed for
cancellation of opposite party No.2, who was granted bail by
order dated 10.07.2018 passed in Cr.Misc.No.32747 of 2018, in
connection with Sasaram (Town) P.S. case No.1726 of 2017
pending in the court of Chief Judicial Magistrate, Rohtas at
Sasaram, on the ground that incorrect submission was made on
behalf of the opposite party No.2 that charge sheet has already
been submitted in the case.

On behalf of the opposite party No.2, a counter
affidavit has been filed enclosing the charge sheet as Annexure
A to the counter affidavit. It has further been pointed out on
behalf of the opposite party No.2 that the charge sheet was
submitted on 20.06.2018 and the same was seen by the court



below on 23.07.2018.

Following statement has been made in paragraph 2 of the counter affidavit on behalf of the opposite party No.2.

“2. That it is pertinent to mention here that from perusal of chargesheet no.458/2018, it is apparent that chargesheet is dated 20.06.2018 but it was forwarded to court on 23.07.2018. Hence due to mistake on part of deponent who informed his counsel that chargesheet submitted on 20.06.2018 is due to misunderstanding on part of deponent.

Accepting the statement made in paragraph 2 of the counter affidavit on behalf of the opposite party No.2, I have no reason for interfering with the order dated 10.07.2018 passed in Cr.Misc.No.32747 of 2018,

Accordingly, the present application stands dismissed.

(Sudhir Singh, J)

Narendra/-

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