

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44202 of 2019

Arising Out of PS. Case No.-204 Year-2017 Thana- MAHUA District- Vaishali

DILIP SINGH Son of Mundrika Singh Resident of Village - Rampur
Rajdhari, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh
For the Opposite Party/s : Mr.Umesh Lal Verma

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 22-07-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in Mahua P.S. Case No. 204 of 2017, disclosing offence under Sections 147,148,149,341,323,337,338,307,333,353,283,504 of the Indian Penal Code and Sections 5/6 of the Essential Service Maintenance Act.

Learned counsel for the petitioner submits that similarly circumstanced persons, who are named in the First Information Report have been allowed anticipatory bail.

Considering the said submission and the fact that the allegation is of general and omnibus nature, this application is allowed.

Let the petitioner above named in the event of his



arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Assistant Chief Judicial Magistrate-XIII-cum Sub Judge XIV, Vaishali at Hajipur in Mahua P.S. Case No. 204 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

Before I part with the present order, I must point out one peculiar aspect of the present proceeding. In paragraph 3 of the application, there was an averment made that the petitioner had no criminal antecedent. Subsequently, the said statement has been altered manually with use of pen and ink stating that there is one more case pending against him. The correction so made in paragraph 3 of the application with pen does not bear even the initials of the learned counsel for the petitioner. Similarly in paragraph 10 of the application part of 4th line has been struck off, again manually.

Learned counsel for the petitioner has pointed out that such corrections have been incorporated, pursuant to



the order of the Lawzima Board so as to remove the defects. I do not have any reason for not accepting the explanation which has been put forth by the learned counsel for the petitioner for making the corrections nor I doubt his *bona fide*. This is, however, to be kept in mind that the effect of correction made by the learned counsel for the petitioner in paragraph 3 of the application is changing the very statement in the application itself which was made by the deponent on oath. The facts stated in an application are sworn, under High Court Rules, before an Oath Commissioner and though a clerical/typographical error may be corrected with the leave of the Court, in my view, the body of the application which contains the facts stated on oath cannot be changed by any means, except by filing a supplementary affidavit.

The Office is directed to ensure that such practice is not allowed in future and if any correction is required in the body of the application, the same must be done either by filing a supplementary affidavit on oath or with the leave of the Court in special circumstances.

(Chakradhari Sharan Singh, J)

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