

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59151 of 2019

In
CRIMINAL MISCELLANEOUS No.55602 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BARGAINIA District- Sitamarhi

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1. JITENDRA MAHTO @ JITENDRA KUMAR MAHTO Son of Ram Janam Mahto
 2. Sanjiv Kumar Son of Ram Ekbal Mahto
 3. Ganga Devi W/o Ram Janam Mahto
 4. Upendra Sah Son of Bishundayal Sah
 5. Ganesh Mahto Son of Ramchandra Mahto
 6. Jagdish Sah Son of Late Dular Chand Sah
 7. Basant Kumar Son of Ram Pravesh Mahto
 8. Santosh Kumar Son of Ganesh Mahto
 9. Jaleshwar Mahto Son of Anhoti Mahto
- All Resident of Village - Nandwar, P.S.- Bairgania, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-09-2019 Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioners. Learned counsel seeks modification of the order dated 03.09.2019 passed in Cr.Misc. No. 55602 of 2019 to the extent that on the date of passing of bail order by this Court, petitioner no. 1 namely Jitendra Mahto @ Jitendra Kumar Mahto had already been arrested. Learned counsel submits that petitioner no. 1 was arrested on 27.08.2019 but on the date of



hearing of this anticipatory bail application on 03.09.2019, he did not have instruction regarding arrest of petitioner no. 1 as such he could not inform the Court about the fact that petitioner no. 1 had already been arrested.

Having regard to the submission made by learned counsel for the petitioner that petitioner no. 1 namely Jitendra Mahto @ Jitendra Kumar Mahto had already been arrested prior to grant of anticipatory bail on 03.09.2019, let order dated 03.09.2019 passed in Cr.Misc. No. 55602 of 2019 be modified to the extent that order passed by this Court releasing the petitioners on anticipatory bail in the event of arrest or surrender, shall not apply in relation to petitioner no. 1 namely Jitendra Mahto @ Jitendra Kumar Mahto and the bail application filed on his behalf stands dismissed.

In so far other petitioners i.e., petitioners no. 2 to 9 are concerned, order dated 03.09.2019 shall apply.

(Anil Kumar Sinha, J)

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