

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13640 of 2020

In
CRIMINAL MISCELLANEOUS No.84720 of 2019

Arising Out of PS. Case No.-304 Year-2019 Thana- KHIJARSARAI District- Gaya

- =====
1. Reena Chaudhary Son of Hari Chaudhary Resident of Village - Horma, P.S. - Khizarsarai, District - Gaya.
 2. Dharmendra Chaudhary Son of Ramchandra Chaudhary Resident of Village - Horma, P.S. - Khizarsarai, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary
For the Opposite Party/s : Mr. Md. Aslam Ansari,

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-07-2020 Heard Mr. Vishwa Ranjan Choudhary, learned

counsel for the petitioners and Mr. Md. Aslam Ansari,

learned counsel for the State.

The present petition for modification of the

order dated 20.12.2019 passed by a Bench of this Court

in Criminal Miscellaneous No. 84720 of 2019 has been

filed under the circumstance that in the aforesaid order,

petitioner no. 1/ Reena Choudhary has been shown to be

the daughter of Hari Chaudhary whereas Reena

Chaudhary is a male and he is the son of Hari



Chaudhary.

It appears that because of the name which is generally associated with female gender, the aforesaid mistake crept in the order.

However, there is nothing on record which supports the assertion of learned counsel for the petitioners that petitioner no. 1 / Reena Chaudhary is a male and not a female.

Though the order dated 20.12.2019 is modified to the extent that the Reena Chaudhary (petitioner no. 1) be read as son of Hari Chaudhary in place of daughter of Hari Chaudhary, however when the petitioners surrender before the court below to take bail, the court below shall insist upon petitioner no. 1/ Reena Chaudhary for the proof that he is the son of Hari Chaudhary.

Since the petitioners could not surrender because of the aforesaid mistake, the time for surrendering before the Court below is also extended for



six weeks from the date of this order.

The order stands modified to the extent indicated above.

The modification application stands disposed of accordingly.

(Ashutosh Kumar, J)

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