

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13905 of 2020**

**In
CRIMINAL MISCELLANEOUS No.16118 of 2019**

Arising Out of PS. Case No.-278 Year-2018 Thana- BAIRIYA District- West Champaran

1. ARUN PASWAN Son of Sri Umashankar Paswan Resident of Village - Motipur Bada, P.S.- Bairiya, Distt - West Champaran.
2. Geeta Devi Wife of Sri Umashankar Paswan Resident of Village - Motipur Bada, P.S.- Bairiya, Distt - West Champaran.
3. Benga Paswan Son of Late Ganesh Paswan Resident of Village - Motipur Bada, P.S.- Bairiya, Distt - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Rashmi Jha,Advocate

For the Opposite Party/s: Mr.Raj Ballabh Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-06-2020 Heard learned counsel for the petitioners and Mr. Raj Ballabh Singh, learned APP for the State.

The petitioners in the present case are seeking modification of the order dated 26.03.2019 passed in Cri. Misc. No. 16118 of 2019 by which while rejecting the prayer for anticipatory bail on behalf of the petitioner no. 1, this Court had been pleased to grant privilege of anticipatory bail to petitioner no. 2 and 3 and it was directed that in case the petitioners no. 2 and 3 surrender within 4 weeks they will be enlarged on bail on furnishing bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each.



Learned counsel for the petitioners submits that in fact in the present application the modification is being sought only on behalf of petitioners no. 2 and 3 but to avoid the Stamp Reporter defect Arun Paswan (petitioner no. 1) has been taken as a petitioner though no prayer has been made on his behalf. This petition is, thus confined to petitioner no. 2 and 3.

It is submitted that both petitioner no. 2 and 3 are illiterate persons, they are old aged and because they were not communicated the order dated 26.03.2019, due to inadvertence of the learned counsel for the petitioners the order was not communicated and hence, they could not surrender.

Learned counsel submits that although the delay in filing of the present application is inordinate, she takes it upon herself to say that because of her mistake the order could not be communicated to petitioner no. 2 and 3, therefore for the fault on the part of the lawyer the petitioner no. 2 and 3 should not be allowed to suffer. They are old aged persons and at this stage during the pandemic period if they are not given an opportunity to submit the bail bond and take benefit of the order passed by this Court, they are likely to suffer.

Learned APP for the State has submitted that in the given facts and circumstances of the case a lenient view of the



matter may be taken since the learned Advocate is accepting her own fault in not communicating the order to her clients.

In the given facts and circumstances of the case, considering that because of the mistake on the part of the office of the learned counsel the order could not be communicated to petitioners no. 2 and 3, the Court being of the opinion that petitioners no. 2 and 3 should not be allowed to suffer for that reason particularly in the present condition of pandemic Covid-19, this Court directs that in case the petitioners no. 2 and 3 surrender within 4 weeks from today and submit their bail bond, they would be given benefit of the order dated 26.03.2019 passed in Cri. Misc. No. 16118 of 2019.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

