

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20828 of 2020

Arising Out of PS. Case No.-583 Year-2019 Thana- HILSA District- Nalanda

Chhotu @ Shashi Kant Kumar, Son of Raju Singh, Resident of Village - Miya Bigha at Present Bajrang Bagh, P.S.- Hilsa, Dist.-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey- Advocate
For the State	:	Mr. Ram Priya Sharan Singh- P.P. Incharge

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 07-12-2020 The Superintendent of Police, Nalanda as well as concerned Inspector join the proceeding through video conferencing. Learned counsel for the petitioner as well as learned Public Prosecutor Incharge are also present.

The Superintendent of Police, Nalanda submits that the present case was non- S.R. Case and that was the reason, the aforesaid case was not placed before him. Moreover, the Superintendent of Police, Nalanda as well as concerned Inspector accepted this fact that an error has been committed by the police officials, but the aforesaid error was not intentional.

It appears from perusal of record as well as submissions of the parties that not only police officials, but the concerned Additional Chief Judicial Magistrate, Hilsa, Nalanda



also committed error in permitting the police to add the name of accused, subsequently, in formal F.I.R. because there is no provision in the Criminal Procedure Code to add the name of an accused in formal F.I.R., if the name of accused comes in course of investigation.

Moreover, the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda should be very cautious and careful in future while conducting the judicial proceeding. The explanation of the Superintendent of Police, Nalanda as well as concerned Inspector are accepted. The provisional bail granted to petitioner vide order dated 06.11.2020 is confirmed. The presence of the Superintendent of Police, Nalanda and concerned Inspector stand dispensed with.

Let a copy of this order be communicated to learned Additional Chief Judicial Magistrate, Hilsa, Nalanda forthwith.

(Hemant Kumar Srivastava, J)

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