

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21312 of 2020

In
CRIMINAL MISCELLANEOUS No.4857 of 2020

Arising Out of PS. Case No.-493 Year-2019 Thana- JAKKANPUR District- Patna

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Satyendra Kumar Son of Ashok Kumar Resident of Mohalla - Postal Park,
House No. 4, Road No. 1, P.S.- Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Prasad, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The present application has been filed for



modification of order dated 02.03.2020 passed in Cr. Misc. No. 4857 of 2020 to the extent that by inadvertence it was submitted that co-accused Praveen Kumar has been granted privilege of anticipatory bail by Co-ordinate bench of this Court vide order dated 25.02.2020 passed in Cr. Misc. No. 309 of 2020 whereas the bail was rejected and the name of co-accused has been recorded as Simpi Kumari instead of Rimpi Kumari and hence, the period of surrender be also extended.

It appears that earlier the petitioner preferred Cr. Misc. No. 4857 of 2020 with a prayer for anticipatory bail in a case registered for the offences punishable under Sections 406, 420, 341, 323, 354, 504, 506/34 of the Indian Penal Code and Section 138 of N.I. Act.

The prosecution case, as per the written report of Phul Kumari Devi submitted to the Station House Officer, Jakkanpur Police Station, is to the effect that co-accused Rimpi Kumari along with her mother took loan of Rs.16,00,000/- from the husband of the informant with assurance that she will return the same in February, 2018 and also gave two cheques of Rs.8,00,000/- each, which got dishonoured due to insufficiency of fund. Subsequently, co-accused Rimpi Kumari again gave a cheque of Rs.16,00,000/- which also got dishonoured. It is



further alleged that when the informant asked the accused persons to return the loan amount then all the FIR named accused persons including the petitioner assaulted the informant and her husband, whereas petitioner attempted to outrage the modesty of the informant.

It is submitted by learned counsel for the petitioner that considering the fact that the thrust of accusation was against co-accused Rimpi Kumari and her mother, this Court granted anticipatory bail to the petitioner but, however, a wrong submission was made that co-accused Praveen Kumar has been granted privilege of anticipatory bail by Co-ordinate bench of this Court vide order dated 25.02.2020 passed in Cr. Misc. No. 309 of 2020, though, the prayer for anticipatory bail was rejected since he declined to return the amount. Similarly, in the last portion of the order name of co-accused Rimpi Kumari has been typed as Simpi Kumari, hence, the present modification application has been filed for correction of aforesaid two wrong facts incorporated in the order and for extending the period of surrender.

Basically the petitioner was granted anticipatory bail since the thrust of accusation is against co-accused Rimpi Kumari and her mother. However, on submission of learned



counsel for the petitioner it was recorded that co-accused Praveen Kumar has been granted privilege of anticipatory bail.

In the circumstances, let the order dated 02.03.2020 passed in Cr. Misc. No. 4857 of 2020 is modified to the extent that the prayer for anticipatory bail of co-accused Praveen Kumar was rejected by Co-ordinate bench of this Court vide order dated 25.02.2020 passed in Cr. Misc. No. 309 of 2020, in the last portion of the order the name of co-accused be read as Rimpi Kumari instead of Simpi Kumari and the period of surrender is further extended by three weeks from the receipt of receipt/production of a copy of this order in connection with Jakkanpur P.S. Case No. 493 of 2019, pending in the Court of learned Sub-Judge -cum- Additional Chief Judicial Magistrate, Patna.

Accordingly, the modification application stands disposed of.

(Dinesh Kumar Singh, J)

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