

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27183 of 2020
In
CRIMINAL MISCELLANEOUS No.11852 of 2020

Arising Out of PS. Case No.-124 Year-2018 Thana- BENIPATTI District- Madhubani

Manager Sahni Son of Kailash Sahni Resident of Village- Ranipur Gulariya
Tola, P.S.- Benipatti, District- Madhubani. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-10-2020 Heard the parties through video conferencing.

The instant application under section 482 of the Cr.P.C has been filed for modification of the order 22.6.2020 passed in Cr. Misc. no. 11852 of 2020 whereby the petitioner's application had been disposed of in terms of the judgment in the case of Mahendra Prasad Singh vs State of Bihar (2004 (3) PLJR 491) with a direction to the petitioner to surrender before the learned Court below within eight weeks and that the Court below shall consider the application for bail in accordance with law.

It is submitted that the petitioner has not surrendered in the Court below. It is further submitted that there was an error of record in the order dated 22.6.2020 wherein it was mentioned that the petitioner had been enlarged on police bail. In fact the petitioner had been released on PR bond after being served a notice under section 41A of the Cr. P.C.

It has been submitted by learned counsel for the petitioner, that the petitioner was served a notice under sec 41A of the CrPC and was released on P.R Bond. However, the operative portion of the order dated 22.6.2020 which is quoted herein below is quite clear.

“However, the instant application is disposed
of in terms of the judgment in the case of



Mahendra Prasad Singh (supra) with the direction that the petitioner must surrender before the Court of learned Sub Divisional Judicial Magistrate, Benipatti, Madhubani in connection with Benipatti P.S. Case No.124 of 2018 within eight weeks from today. The Court below shall consider the prayer for bail of the petitioner in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegation of misuse etc.

The instant application stands disposed of.”

The time granted by order dated 22.6.2020 to the petitioner to surrender in the learned Court below is extended by eight weeks from today. The operative part of the order dated 22.6.2020, quoted herein above being clear, on the petitioner surrendering, the learned Court below shall proceed to consider the prayer for bail of the petitioner in accordance with law and the judgment in the case of Mahendra Prasad Singh (supra). In the opinion this Court, no other modification is required in the instant application.

The application stands disposed off.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

