

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34267 of 2019**

**In**  
**CRIMINAL MISCELLANEOUS No.67232 of 2018**

Arising Out of PS. Case No.-225 Year-2018 Thana- RUPASPUR District- Patna

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Ranjan Kumar @ Rajan Kumar, S/o Sri Raja Ram Das, R/o village-  
Rupaspur, P.S.- Rupaspur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Arvind Prasad Singh, Advocate  
For the Opposite Party : Mr. Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      03-09-2020                      Heard learned counsel for the petitioner and  
  
learned counsel for the State via video conferencing.

2. The petitioner has been made accused in  
Rupaspur P.S. Case No.225 of 2018 registered under Sections  
323, 377, 406, 420, 504 and 506 of the Indian penal Code. He  
had moved an application before this Court for grant of pre-  
arrest bail vide Cr. Misc. No. 67232 of 2018.

3. On 17.12.2018, this Court passed the following  
order in Cr. Misc. No. 67232 of 2018 :-

“Call for the case diary of Rupaspur P.S. Case  
No. 225 of 2018 from the court of Additional  
Chief Judicial Magistrate, Danapur, Patna.

In the meantime, in the event of arrest or  
surrender before the court below within six



weeks from today, the petitioner is directed to be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Rupaspur P.S. Case No.225 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.”

4. After receipt of the case diary, the aforestated Cr. Misc. No. 67232 of 2018 was taken up by this Court on 09.04.2019. On that date, after hearing the parties, the Court passed the following order :-

“The petitioner apprehends his arrest in connection with Rupaspur P.S. Case No. 225 of 2018 registered under Sections 323, 377, 406, 420, 504 and 506 of the Indian Penal Code.

Allegation against the petitioner is of committing unnatural offence against complainant/informant and making video of the same and sending the same to the complainant and also threatening him.

Submission of learned counsel for the petitioner is that as a matter of fact petitioner has lodged a case of unnatural offence against the complainant which he has lodged on 23.08.2017 and thereafter complainant lodged this case on



30.08.2017 which clearly shows that same has been lodged with an intention to save his skin.

Heard learned APP also.

Having heard both sides and in the facts and circumstances, as stated above, the application is allowed and the provisional bail granted vide order dated 17.12.2018 to the petitioner is hereby confirmed.”

5. After the order dated 17.12.2018 was passed in Cr. Misc. No. 67232 of 2018, the petitioner was neither arrested by the police nor did he surrender before the court below in order to furnish bail bond and sureties as directed by the Court. It would also be evident from the order dated 09.04.2019 that the provisional bail granted by this Court vide order dated 17.12.2018 was confirmed.

6. After confirmation of the provisional bail granted by this Court in Cr. Misc. No. 67232 of 2018, the petitioner has filed the instant application under Section 482 of the Code of Criminal Procedure seeking modification in the order dated 17.12.2018. The modification sought for by the petitioner is either to extend the period of surrender or to delete the words “within six weeks from today” between the words “below” and “the” in the second line of para 2 of the order no.2



dated 17.12.2018 in Cr. Misc. No. 67232 of 2018.

7. Mr. Arvind Prasad Singh, learned counsel appearing for the petitioner submitted that after the aforesaid order dated 17.12.2018 granting provisional bail to the petitioner was passed, the counsel for the petitioner informed the pairvikar of the case that the case diary has been summoned and in the meantime provisional bail has been granted by the Court to him. The pairvikar could not understand the purport of the order properly and the lawyer concerned working for the petitioner in the court below also inadvertently missed out to read in the order that the petitioner was required to surrender before the court below within six weeks in order to furnish bail bond and sureties as directed by the Court.

8. It is further submitted that as a result of communication gap and inadvertence on the part of the counsel for the petitioner, the petitioner is facing extreme hardship. He has been advised by his counsel that unless the period of surrender is extended, he cannot be allowed to furnish bail bond and sureties as directed by the Court and, under the circumstances, in spite of having been granted pre-arrest bail, the petitioner is apprehending his arrest at the hands of the police.



9. Learned counsel for the State does not oppose the prayer made on behalf of the petitioner. He submitted that once this Court has found the case of the petitioner fit for grant of pre-arrest bail and has granted him the privilege of pre-arrest bail, merely on technicalities, he would not oppose the prayer for modification of the order.

10. Considering the submissions advanced on behalf of the parties, I deem it fit and proper to allow this application.

11. Accordingly, in the order dated 17.12.2018 passed in Cr. Misc. No. 67232 of 2018 in the second line of para 2, the words “within six weeks from today” between the words “below” and “the” shall stand deleted. Now para 2 of the order dated 17.12.2018 passed in Cr. Misc. No. 67232 of 2018 shall read as follows :

“In the meantime, in the event of arrest or surrender before the court below, the petitioner is directed to be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna, in



connection with Rupaspur P.S. Case No.225 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure”.

12. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Arbind Prasad Singh, learned counsel for the petitioner also on his email.



- (v) Let steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

**(Ashwani Kumar Singh, J.)**

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