

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85105 of 2019

In
CRIMINAL MISCELLANEOUS No.80541 of 2019

Arising Out of PS. Case No.-434 Year-2019 Thana- HILSA District- Nalanda

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1. RADHESHYAM CHAUHAN S/o Late Vishun Chauhan R/o Village- Puna Nonia, Bigha, P.S.- Hilsa, Dist- Nalanda.
 2. Lalu Chauhan S/o Radheshyam Chauhan R/o Village- Puna Nonia, Bigha, P.S.- Hilsa, Dist- Nalanda.
 3. Dev Vrat Chauhan S/o Radheshyam Chauhan R/o Village- Puna Nonia, Bigha, P.S.- Hilsa, Dist- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The present application has been filed for modification of the order dated 09.12.2019 passed in Cr. Misc. No. 80541 of 2019 by which the present petitioners along with petitioner no. 4 of Cr. Misc. No. 80541 of 2019 were granted anticipatory bail in connection with Hilsa P.S. Case No. 434 of 2019 to the satisfaction of learned A.C.J.M. 1st, Hilsa, Nalanda and the petitioners were directed to surrender in the Court below within a period of six weeks and furnish bail bonds.

Learned counsel for the petitioners submits that petitioner



no. 1 namely 'Radheshyam Chauhan' was arrested prior to passing of the order dated 09.12.2019 passed in Cr. Misc. No. 80541 of 2019. Hence, the aforesaid application had become infructuous in respect of petitioner no. 1 namely Radheshyam Chauhan but the said fact could not be brought to the notice of the Court and, as such, the petitioner no. 1 was also ordered to be granted anticipatory bail by this Court along with other petitioners. Hence, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no. 1 only as having become infructuous.

Learned counsel for the petitioners further submits that inadvertently due to typographical error, in the petition of Cr. Misc. No. 80541 of 2019, name of village and district of petitioner nos. 1 to 3 was typed as 'Duna Nonia Bigha' in place of 'Puna Nonia Bigha' and 'Nalanda' in place of 'Nawada' as such, the same occurred in the cause title of order dated 09.12.2019 passed in Cr. Misc. No. 80541 of 2019.

From perusal of the record, it appears that the learned counsel for the petitioners is correct in his submission.

Let in the cause title of order dated 09.12.2019 passed in Cr. Misc. No. 80541 of 2019, name of village and district of petitioner nos. 1 to 3 be read as 'Puna Nonia Bigha' and



‘Nalanda’ in place of ‘Duna Nonia Bigha’ and ‘Nawada’ and the application in respect of petitioner no. 1 namely ‘Radheshyam Chauhan’ be treated to be dismissed as withdrawn as having become infructuous. The period of surrender of the petitioner nos. 2 and 3 in the Court below is extended for a further period of six weeks from the date of receipt/production of a copy of this order. The rest of the conditions stipulated in the order will be same.

The order dated 09.12.2019 passed in Cr. Misc. No. 80541 of 2019 is modified to the extent as indicated above.

The modification application is, accordingly, disposed of.

(Sudhir Singh, J)

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