

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 13266 of 2021

(Arising out of Cr. Misac. No.28759 of 2020)

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Md. Sonu son of Md. Nisar, resident of Mohalla- Shahganj Mahendru, Police
Station- Sultangaj, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s :

For the Opp. Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-07-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Though, the present petition has been filed for modification of the order dated 15.01.2021, passed by this Court in Cr. Misc. No. 28759 of 2020 (arising out of Kankarbagh P.S. Case No. 315 of 2020 for the offence registered under Sections 454, 380, 511, 414, 34 of the Indian Penal Code and Sections 25(1-b)a and 26 of the Arms Act), by which the petitioner was granted the privilege of anticipatory bail, however, it is manifest from the present petition that the petitioner had already been remanded in the said case and was in custody prior to the



passing of the order dated 15.01.2021 in Cr. Misc. No. 28759 of 2020.

Now, the petitioner seeks recall of the aforesaid order dated 15.01.2021, passed in Cr. Misc. No. 28759 of 2020 and further wants that this Court should pass an order to the effect that the aforesaid petition filed for grant of anticipatory bail has been rendered infructuous.

This Court finds that the order dated 15.01.2021 passed in Cr. Misc. No. 28759 of 2020 cannot be recalled on account of the bar under section 362 Cr. P.C., nonetheless, the contentions of the petitioner have been noted herein above.

Accordingly, the present petition stands disposed of.

(Mohit Kumar Shah, J)

Tiwary/-

