

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20077 of 2021

In
CRIMINAL MISCELLANEOUS No.39313 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- LAURIA District- West Champaran

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1. Jay Lal Sah, Son of Ramnarayan Sah, Resident of Gobarura Ward No.11, P.S.- Lauriya, West Champaran, Bihar
 2. Dhanilal Sah, Son of Ramnarayan Sah, Resident of Gobarura Ward No.11, P.S.- Lauriya, West Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Udaybhan Pandey, Son of Late Bharat Pandey, Resident of Village and P.O. Gobrorra, P.S. Lauriya, District - West Champaran, Bihar - 845453.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25353 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- LAURIA District- West Champaran

Udaybhan Pandey, S/O Late Bharat Pandey, R/O Village-Gobraura, Police Station-Lauriya, District West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jay Lal Sah, S/O Ram Narayan Sah, R/O Village-Gobraura Ward No.11, Police Station-Lauriya, District-West Champaran.
3. Dhanilal Sah, S/O Ram Narayan Sah, R/O Village-Gobraura Ward No.11, Police Station-Lauriya, District-West Champaran.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20077 of 2021)

For the Petitioner/s : Mr.Avinash Shekhar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 25353 of 2021)

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 17-11-2021

The petitioners of Cr.Misc. No.20077 of 2021 have



filed this application seeking modification of the order dated 19.02.2021 passed in Cr.Misc. No.39313 of 2020, whereby they have been granted bail.

It is submitted that due to miscommunication, the counsel had filed the bail application, bearing Cr.Misc. No.39313 of 2020, stating that the petitioners had been acquitted in Lauriya P.S. Case No.48 of 2015. Subsequently, the *Pairvikar* has realized that the same is still pending and therefore he has filed the application for modification of the order to that extent. The same *Pairvikar* has sworn the affidavit in both the cases.

Counsel who has filed the modification application was the same counsel who has filed the bail application. After due deliberations between the *Pairvikar* and the petitioners, it is submitted that the fact has emerged and *bona fide* application for modification of the order has been filed.

The submission of the learned counsel for the petitioners, however, is opposed by the learned counsel representing the informant, who is petitioner in Cr.Misc. No.25353 of 2021. He submits that the bail order dated 19.02.2021 has been obtained by resorting to suppression and misrepresentation as regards Lauriya P.S. Case No.48 of 2015.



In view of the fact that prior to lodging of the application for cancellation of bail, the petitioners had already approached this Court for modification of the order pointing out the mistake, this Court is inclined to allow the modification application and direct that the order dated 19.02.2021 passed in Cr.Misc. No.39313 of 2020 be modified to the extent that Lauriya P.S. Case No.48 of 2015 may be read as being pending instead of the fact recorded in 4th paragraph of Page-1 of the order dated 19.02.2021 that the petitioners have been acquitted in the said case.

Counsel for petitioners in Cr.Misc. No.20077 of 2021 submits that for the inconvenience caused to the party and the Court on account of such mistake, he would be depositing Rs.5,000/-(Five thousand) to the Patna High Court Legal Services Committee within a week.

In view of the submissions and appreciating the gesture of the counsel for the petitioners, the modification application stands allowed. Having considered the modification to be *bona fide*, the petition for cancellation, bearing Cr.Misc. No.25353 of 2021, stands disposed of.

This Court would expect that the respective petitioners' counsel would honour their undertakings in the



instant proceedings regarding supply of the requisite court fee
etc. within two weeks from the date they are called upon to do
so by the office.

(Madhuresh Prasad, J)

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