

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33509 of 2021
Arising out of
CRIMINAL MISCELLANEOUS No. 77881 of 2019

Arising Out of PS. Case No.-375 Year-2018 Thana- ALOULI District- Khagaria

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1. Krishna Mohan Kumar, aged about 35 years, Male Son of Devnarayan Sah @ Debu Sah.
 2. Dev Narayan Sah @ Debu Sah, aged about 59 years, Male Son of Late Premlal Sah.
Both residents of Village- Jogiya, PS- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Singh, Advocate
For the State	:	Mr. Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Santosh Singh, learned counsel for the petitioners and Mr. Md. Mustaque Alam, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners seek modification in the judgment and order dated 31.08.2020 passed in Cr. Misc. No. 77881 of 2019.

4. Learned counsel for the petitioners submitted that due to inadvertent typographical error in the main petition of Cr. Misc. No. 77881 of 2019, the name of the father of the petitioners had



wrongly been typed and for such modification was earlier sought in Cr. Misc. No. 36569 of 2020 which was disposed of with liberty to file a fresh application since it was not prayed for modification of the main Cr. Misc. petition where such error was present. Learned counsel submitted that due to inadvertence, the name of the father of the petitioner no. 1 was wrongly typed as Bhushan Choudhary and that of petitioner no. 2 as Mukendra Choudhary, though it should have been Devnarayan Sah @ Debu Sah with regard to the petitioner no. 1 and Late Premlal Sah with regard to petitioner no. 2. It was submitted that the same was not willful or deliberate. Learned counsel submitted that because of such mistake, the petitioners, despite having been granted anticipatory bail could not take benefit of said order. Further, it was submitted that since the time granted by the Court to the petitioners to surrender before the Court below has elapsed, the same be also extended.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there is no deliberate or willful laches on the part on the petitioners and, thus, is persuaded to allow the prayer.

6. Accordingly, let the name of the father of the petitioners no. 1 and 2 in the main petition of Cr. Misc. No. 77881



of 2019 be corrected by learned counsel for the petitioners to read as Devnarayan Sah @ Debu Sah with regard to petitioner no. 1 and Late Premlal Sah, with regard to petitioner no. 2. As a consequence, let the same correction be made in the cause title of the judgment and order dated 31.08.2020 passed in Cr. Misc. No. 77881 of 2019. Further, the time granted to the petitioners to surrender before the Court below and take bail stands extended by a further period of six weeks from today.

7. The rest of the aforesaid judgment and order shall remain unchanged.

8. The petition stands disposed of in the aforesaid terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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