

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55151 of 2021

In
CRIMINAL MISCELLANEOUS No.40262 of 2020

Arising Out of PS. Case No.-101 Year-2020 Thana- NAUTAN District- West Champaran

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1. WAKIL MAHATO S/o Hira Mahato Resident of Ramnagar, Bairiya, P.S. - nautan, District - West Champaran.
 2. SHILA DEVI W/O Wakil Mahato Resident of Ramnagar, Bairiya, P.S. - nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-09-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The present application has been filed for modification of the order dated 08-04-2021 passed in Cr. Misc. No. 40262 of 2020 by which the petitioners were granted anticipatory bail in connection with Nautan P.S. Case No. 101 of 2020 pending in the court of *“learned Additional District & Sessions Judge-IV, Bettiah, West Champaran”*.

It has been submitted that though in the first paragraph of



the main application of Cr. Misc. No. 40262 of 2020, the name of the court has rightly been mentioned as ***“learned Chief Judicial Magistrate, Bettiah, West Champaran”*** but in the prayer portion, ***“learned Additional District & Sessions Judge-IV, Bettiah, West Champaran”*** has wrongly been typed and hence, same mistake occurred in the order dated 08-04-2021 passed in Cr. Misc. No. 40262 of 2020. Further, it is submitted on behalf of the petitioners that due to Covid-19 pandemic and wrongly typed name of the court, the petitioners could not surrender in the court below within the stipulated time. It is further prayed on behalf of the counsel for the petitioners that the name of court be corrected as ***“learned Chief Judicial Magistrate, Bettiah, West Champaran”*** in place of ***“learned Additional District & Sessions Judge-III, Bettiah, West Champaran”*** in the order dated 08-04-2021 passed in Cr. Misc. No. 40262 of 2020 and further, time may be extended so that the petitioners could surrender in the court below.

Considering the submissions made on behalf of the learned counsel for the petitioners and the grounds mentioned in the modification application, the order dated 08-04-2021 passed in Cr. Misc. No. 40262 of 2020 is modified to the extent that ***“learned Additional District & Sessions Judge-III, Bettiah,***



West Champaran”, mentioned in the last paragraph of the order be read as ***“learned Chief Judicial Magistrate, Bettiah, West Champaran”*** and time of surrender of the petitioners in the court below is extended for a further period of eight weeks from the date of receipt/production of a copy of this order. The rest of the conditions shall remain the same as mentioned in the order dated 08-04-2021 passed in Cr. Misc. No. 40262 of 2020.

The order dated 08-04-2021 passed in Cr. Misc. No. 40262 of 2020 is modified to the extent as indicated above.

The modification application is, accordingly, disposed of.

(Sudhir Singh, J)

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