

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51160 of 2021

In
CRIMINAL MISCELLANEOUS No.16039 of 2021

Arising Out of PS. Case No.-447 Year-2019 Thana- RAMPUR District- Gaya

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AMITABH KUMAR SINGH @ AMITABH SINGH Son of Late Sarvesh Prasad Singh @ Sarvesh Singh, Resident of Mohalla- C.D. Colony, P.S. : Jhumri Tilaiya, District- Koderma, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amaresh Kumar Sinha
For the Opposite Party/s : Mrs. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2021 Heard learned counsel for the petitioner and learned counsel for the State through virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The present application has been filed for modification of the order dated 07.04.2021 passed in Cr. Misc. No. 16039 of 2021 by which the petitioner was granted anticipatory bail to the satisfaction of learned Chief Judicial Magistrate, Gaya and the petitioner was directed to surrender in the Court below within a period of six weeks.

Learned counsel for the petitioner submits that



inadvertently due to typographical error, in the 1st paragraph and the prayer portion of the petition of Cr. Misc. No. 16039 of 2021, the P.S. Case number was wrongly typed as “Rampur P.S. Case No. 447/2018 in place of “Rampur P.S. Case No. 447/2019” and as such the same mistake occurred in the 2nd last paragraph of order dated 07.04.2021 passed in Cr. Misc. 16039 of 2021.

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

Considering the aforesaid, in the 2nd last paragraph of order dated 07.04.2021, let the words “Rampur P.S. Case No. 447 of 2018 be corrected to read as “Rampur P.S. Case No. 447 of 2019”. It is clarified that the petitioner has been granted anticipatory bail in connection with Rampur P.S. Case No. 447/2019.

Learned counsel for the petitioner is directed to correct the year of P.S. Case at appropriate places in the petition of Cr. Misc. 16039 of 2021 within four weeks after the restoration of normalcy.

A supplementary affidavit to the present application i.e. Cr. Misc. No. 51160 of 2021 has been filed on behalf of the petitioner stating that the address of the petitioner has wrongly



been typed as “Amitabh Kumar Singh @ Amitabh Singh, Gender : Male, aged about 32 years, son of : Late Sarvesh Prasad Singh, resident of : Mohalla C.D.A. Colony, P.S. and District; Koderma, Jharkhand” in place of “Amitabh Kumar Singh @ Amitabh Singh, son of : Late Sarvesh Prasad Singh @ Sarvesh Singh, resident of : Mohalla C.D. Colony, P.S.: Jhumri Telaiya, District; Koderma, Jharkhand”.

In view of the statement made in paragraph no. 3 of the supplementary affidavit to the present modification application, the office is directed to correct the address of the petitioner in the cause title of present modification application.

Learned counsel for the petitioner further submits that due to the aforesaid typographical error in the year of police case, the petitioner could not surrender in the Court below well within time. It is prayed on behalf of the learned counsel for the petitioner that further time may be extended so that the petitioner could surrender in the Court below.

Considering the submissions made on behalf of the learned counsel for the petitioner and the grounds mentioned in the modification application, the period of surrender of the petitioner 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 stipulated in the order will be same.

The order dated 07.04.2021 passed in Cr. Misc. No. 16039 of 2021 is modified to the extent as indicated above.

The modification application is, accordingly, allowed.

(Sudhir Singh, J)

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