

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52945 of 2021

In
CRIMINAL MISCELLANEOUS No.4017 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- VAISHALI District- Vaishali

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1. Manish Singh @ Manish Kumar S/O Late Dharmdeo Singh R/O Village-Chintamanipur, P.S- Vaishali, District-Vaishali.
 2. Rajnish Singh @ Rajnish Kumar S/O Late Dharmdeo Singh R/O Village-Chintamanipur, P.S- Vaishali, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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

The present modification application has been filed seeking correction in the prayer portion of the main petition of the Cr. Misc. No. 4017/2021 wherein words “Lalganj P.S. Case No. 128 of 2020” had been wrongly typed in place of words “Vaishali P.S. Case No. 128 of 2020”, although the same was correctly mentioned in paragraph 1 of the said petition.

By order dated 28.07.2021 passed in Cr. Misc. 40042



of 2021, the period of the surrender was extended for a further period of eight weeks but the petitioner could not pray for correction in the P.S. case number in the petition of Cr. Misc. No. 4017/2021 and that is why the said correction could not be rectified.

From perusal of the records of Cr. Misc. No. 4017 of 2021, it appears that the learned counsel for the petitioners is correct in his submission.

Accordingly, learned counsel for the petitioner is directed to incorporate the correct P.S. Case number i.e. “Vaishali P.S. Case No. 128 of 2020 in place of “Lalganj P.S. Case No. 128 of 2020” in the prayer portion of the petition of Cr. Misc. No. 4017/2021 within four weeks from the date of restoration of normalcy.

Learned counsel for the petitioner submits that due to aforesaid typographical error in the petition, the petitioners could not surrender in the Court below well within time. It is prayed on behalf of the learned counsel for the petitioners that 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 period 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. It is clarified that the petitioners were granted anticipatory bail by order dated 05.04.2021 passed in Cr. Misc. No. 4017 of 2021 in connection with Vaishali P.S. Case No. 128 of 2020 to the satisfaction of learned Additional Sessions Judge-II-Excise Court, Vaishali at Hajipur. The rest of the conditions stipulated in the orders dated 05.04.2021 passed in Cr. Misc. No. 4017 of 2021 will be same.

The order dated 05.04.2021 passed in Cr. Misc. No. 4017 of 2021 and the order dated 28.07.2021 passed in Cr. Misc. No. 40042 of 2021 is modified to the extent as indicated above.

The present modification application is, accordingly, allowed.

(Sudhir Singh, J)

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