IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55452 of 2021
In
CRIMINAL MISCELLANEOUS No.8313 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

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1. VIJAY RAI S/o- Lalit Rai R/o Vill - Akilabad, P.S. - Hajipur Sadar, Dist. - Vaishali.
2. Jia Lal Rai S/o- Yadu Nath Rai R/o Vill - Akilabad, P.S. - Hajipur Sadar, Dist. - Vaishali.
3. Harelal Rai @ Hira Lal Rai S/o- Late Brahmdeo Rai R/o Vill - Akilabad, P.S. - Hajipur Sadar, Dist. - Vaishali.
4. Madan Rai S/O- Jang Bahadur Rai R/o Vill - Akilabad, P.S. - Hajipur Sadar, Dist. - Vaishali.
5. Pappu Rai S/O- late Baidyanath Rai R/o Vill - Akilabad, P.S. - Hajipur Sadar, Dist. - Vaishali.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-09-2021 Heard learned counsel for the petitioner Nos. 1,2, 4 & 5 and the State through virtual mode.

Learned counsel for the petitioner Nos. 1,2, 4 & 5 is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Learned counsel for the petitioners submits that he has not sought any modification with regard to petitioner No. 3 namely, Harelal Rai @ Hira Lal Rai in the order dated 20-07-2021 passed in Cr. Misc. No. 8313 of 2021 as the application for

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petitioner No. 3 namely, Harelal Rai @ Hira Lal Rai has already been dismissed as withdrawn on 20-07-2021.

The present application has been filed for modification of the order dated 20-07-2021 passed in Cr. Misc. No. 8313 of 2021 by which the petitioner Nos. 1,2, 4 & 5 were granted anticipatory bail in connection with Excise Case No. 07 of 2020 pending in the court of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Vaishali at Hajipur.

It is submitted on behalf of the petitioner Nos. 1,2, 4 & 5 that due to inadvertent mistake, in the prayer portion of the main application of Cr. Misc. No. 8313 of 2021, ***"Excise Case No. 07 of 2020"*** has wrongly been mentioned in place of ***"Sadar P.S. Case No. 07 of 2020"*** and due to that, same mistake occurred in the order dated 20-07-2021 passed in Cr. Misc. No. 8313 of 2021 and hence, the petitioner Nos. 1,2, 4 & 5 could not surrender within the stipulated time. It is further prayed on behalf of the counsel for the petitioner Nos. 1,2, 4 & 5 that order dated 20-07-2021 passed in Cr. Misc. No. 8313 of 2021 be modified and further time may also be extended so that the petitioner Nos. 1,2, 4 & 5 could surrender in the court below.

Considering the submissions made on behalf of the learned counsel for the petitioner Nos. 1,2, 4 & 5 and the grounds

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mentioned in the modification application, the order dated 20-07-2021 passed in Cr. Misc. No. 8313 of 2021 is modified to the extent that ***"Excise Case No. 07 of 2020"*** mentioned in the second last paragraph of the order dated 20-07-2021 passed in Cr. Misc. No. 8313 of 2021 be read as ***"Sadar P.S. Case No. 07 of 2020"*** and further, the period of surrender of the petitioner Nos. 1,2, 4 & 5 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 20-07-2021 passed in Cr. Misc. No. 8313 of 2021.

The order dated 20-07-2021 passed in Cr. Misc. No. 8313 of 2021 is modified to the extent as indicated above.

The modification application is, accordingly, disposed of.

(Sudhir Singh, J)

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