

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63852 of 2021

In
CRIMINAL MISCELLANEOUS No.30533 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- KATHAIYA District- Muzaffarpur

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MD. CHHOTU Son of Md. Hasnain Resident of Village - Gopinathpur, P.S. -
Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-11-2021 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 eight weeks.

The present application has been filed for
modification of the order dated 23.07.2021 passed in Cr. Misc.
No. 30533 of 2021.

Learned counsel for the petitioner submits that by
order dated 23.07.2021 passed in Cr. Misc. No. 30533 of 2021,
in place of petitioner no. 3, the application in respect of
petitioner no. 2 had been dismissed as withdrawn and in place of
petitioner no. 2, the petitioner no. 3 had been granted



anticipatory bail.

It appears from the submissions made on behalf of the petitioner and the statement made in support thereof in paragraph nos. 3 to 6 of the modification application, that learned counsel for the petitioner is correct in his submission.

It is clarified that in the order dated 23.07.2021 passed in Cr. Misc. No. 30533 of 2021, the application of petitioner no. 3 i.e. Md. Mumtaj, had been dismissed as withdrawn in place of petitioner no. 2 i.e. Md. Chhotu and petitioner no. 2 Md. Chhotu has been granted anticipatory bail in connection with Kathaiya P.S. Case No. 137 of 2020 to the satisfaction of learned Special Judge, Excise, Muzaffarpur.

Considering the above, in the order dated 23.07.2021 passed in Cr. Misc. No. 30533 of 2021, let in place of petitioner no. 2 in paragraph nos. 3, 5 and 10, the same be read as petitioner no. 3 and in place of petitioner 3 in paragraph nos. 6, 7, 8, 9 and 10, the same be read as petitioner No.2.

It is made clear that vide order dated 23.07.2021 passed in Cr. Misc. No. 30533 of 2021, the application in respect of petitioner No. 3, Md. Mumtaj had been withdrawn and petitioner no. 2 had been granted anticipatory bail in connection with Kathaiya P.S. Case No. 137 of 2020 to the



satisfaction of learned Special Judge, Excise, Muzaffarpur.

Learned counsel for the petitioner submits that due to aforesaid reason, the petitioner i.e. Md. Chhotu (petitioner no. 2 in Cr. Misc. No. 30533 of 2021) 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 23.07.2021 passed in Cr. Misc. No. 30533 of 2021 is modified to the extent as indicated above.

The modification application is, accordingly, allowed.

(Sudhir Singh, J)

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