

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85004 of 2019

Arising Out of PS. Case No.-136 Year-2019 Thana- VIJAYEPUR District- Gopalganj

INDRAWATI DEVI Wife of Mani Pandey @ Manindra Pandey Resident of
Village - Ghat Bandhaura, P.S.- Vijaipur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85004 of 2019)

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 15-11-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case arising out of the F.I.R. being Vijayepur P.S. Case no.136 of 2019 for the offences registered under sections 302, 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

Two applications for bail i.e the present application Cr. Misc. no.85004 of 2019 was registered on 19.12.2019 and one another application i.e Cr. Misc. no.79466 of 2019 was registered on 3.12.2019, both on behalf of same petitioner in the same case/F.I.R.

It is submitted by learned Senior counsel for the petitioner that the two petitions had been filed by different



pairvikars through different counsels. The instant application having been filed by the daughter of the petitioner while the other application by the brother of the petitioner. It is submitted that from the order dated 8.1.2020 passed in the instant application it would appear that under the impression that subsequent to grant of bail by order dated 11.12.2019 passed in Cr. Misc. no.79466 of 2019, the instant application had been filed suppressing the fact of the earlier filing, an enquiry was ordered to be conducted by the learned Registrar General. It is submitted that the same is an error of record which would be evident from the comparative charts of the two applications which is being mentioned herein below:

	Cr. Misc. no.85004 of 2019	Cr. Misc. no.79466 of of 2019
Date of affidavit	28.11.2019	27.11.2019
Relationship of the person swearing affidavit with the petitioner	Daughter	Brother
Date of filing	29.11.2019	28.11.2019
Date of registration of case	19.12.2019	3.12.2019
Date of grant of bail		11.12.2019

It it submitted that from the records available as also from the dates mentioned in the chart it would transpire that the date of filing of the instant application was 29.11.2019 and not



subsequent to grant of bail to the petitioner in the other case. Further soon after learning about the filing of the other application, it is submitted that the instant case was immediately mentioned and listed for withdrawal on 20.12.2019. Thus it is submitted that there has been a bonafide error on part of the learned counsel on record and in view of the facts and submissions made herein above, the instant application be permitted to be withdrawn.

From the records of the case it transpires that pursuant to the direction of this Court an enquiry was started by the learned Registrar General and an interim report dated 30.9.2021 has been filed which was opened in Court, today. Let the same be kept on record. It has been stated therein that due to Covid-19 pandemic the enquiry could not be completed and a prayer for further time for completing the same has been made.

Having heard learned counsel for the parties and taking into consideration the submissions made by learned Senior counsel for the petitioner, it transpires that the error committed by learned counsel in filing of the instant application cannot be said to be a deliberate act, the instant application having been filed on 29.11.2019 much before grant of bail to the petitioner in the other application on 11.12.2019. Thus in my



view there is no need for continuing with the enquiry or keeping the instant application pending.

The prayer for withdrawal of the instant application is allowed and the instant application is dismissed as withdrawn.

(Partha Sarthy, J)

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