

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18632 of 2023**

**In
CRIMINAL MISCELLANEOUS No.57309 of 2021**

Arising Out of PS. Case No.-431 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. SWAMINATH CHAUDHARI Son of Rajpati Chaudhari R/V- Koyladewa Marwani, PS- Phulwariya Dist- Gopalganj
 2. Swaminath Sah Son of late Shivpujan Sah R/V- Koyladewa Tola Srinagar P.S- Phulwariya Dist- Gopalganj
 3. Amitabh Bhachchan Son of Sri Mukhdeo Rai R/V- Karariya Thakurai, P.S- Phulwariya dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankesh Sah Son of Late Phuleshar Sah R/V- Karariya Thakurai P.s- Phulwariya Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 12-04-2023 Heard learned counsel for the petitioners and Shri Rabindra Kumar, the learned A.P.P. for the State.

Learned counsel for the petitioners submits that the petitioners were granted anticipatory bail by order dated 29.08.2022 in Cr. Misc. No. 57309 of 2021. It is next submitted that the petitioners were seeking anticipatory bail in connection with Complaint Case No. 431 of 2019, Trial No. 1585 of 2021 for the offences punishable under Sections 406 and 420 of the IPC. It is further submitted that the aforesaid complaint case was pending in the court of learned Judicial Magistrate, First



Class, Gopalganj. Learned counsel next submits that the complainant had instituted the aforesaid complaint case in the court of Chief Judicial Magistrate, District-Gopalganj but in the complaint petition at the top it appears that it was inadvertently typed as District-Siwan. Learned counsel thus submits that in the order granting anticipatory bail to the petitioner also it has been typed as “Criminal Miscellaneous No. 57309 of 2021 Arising out of P.S. Case No.431 Year-2019 Thana-Siwan Complaint Case District-Siwan”.

It is next submitted that despite petitioners being granted anticipatory bail by order dated 29.08.2022 in Cr. Misc. No. 57309 of 2021, the petitioners till date have not been able to surrender in the court of learned Judicial Magistrate, First Class, Gopalganj for the reason that the order dated 29.08.2022 in Cr. Misc. No. 57309 of 2021 was not sent to Gopalganj rather it appears that the order was sent to the district of Siwan where the case is not pending. Learned counsel for the petitioner thus seeks modification of the order dated 29.08.2022 in Cr. Misc. No. 57309 of 2021 to be read as “Criminal Miscellaneous No. 57309 of 2021 Arising out of Gopalganj Complaint Case No.431 Year-2019 District-Gopalganj”.

Learned A.P.P. for the State submits that it appears



that since the anticipatory bail application filed on behalf of the petitioners did not mention with clarity the facts as being pleaded in the present modification application, that perhaps created the confusion. It is also submitted that the learned counsel for the petitioners ought to have pointed out the said fact when the anticipatory bail application of the petitioners was being taken up.

Considering the submissions made by the learned counsel for the petitioners, the order dated 29.08.2022 in Cr. Misc. No. 57309 of 2021 is modified to the extent indicated above and the Office is directed to record – Criminal Miscellaneous No. 57309 of 2021 Arising out of Complaint Case No.431 Year-2019 District-Gopalganj.

Let this order be communicated to the learned CJM, Gopalganj for its onward communication to the concerned court.

In the event, if the petitioners surrender on or before 01.05.2023, the learned trial court shall accept their bail bonds.

The modification application is thus allowed.

(Satyavrat Verma, J)

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