

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53892 of 2021

Arising Out of PS. Case No.-146 Year-2019 Thana- KHARIK District- Bhagalpur

SEKH FAROOQUE Son of Sekh Sakur Resident of village - Mahadatapur,
P.S. - Naugachia, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md. Sanobar Son of Md. Abbas Resident of Village - Purvi Gharai, Kharik Bazar, P.S. - Kharik, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-03-2023

Heard.

The present application has been filed for cancellation of bail granted to O.P. No. 2 by order dated 27-05-2020 passed in Cr. Misc. No. 80507 of 2019 (Annexure-1).

It has been submitted on behalf of the petitioner that though the case has been registered for offence under Section-302 of the Indian Penal Code but from perusal of the order sheet of this court, it appears that the case was instituted for an offence under section-304B of the Indian Penal Code.

Perused the entire record.

Annexure-7 is the order passed by the learned Sessions Court where the bail of the O.P. No. 2 was rejected. From perusal of the said order dated 04-10-2019, it appears that learned Sessions Court had also indicated in its order that the case relates to an offence under section-304B of the Indian Penal Code and it seems that due to typographical error Section-



304(B) in place of 302 has been written in the Sessions Court order. Therefore, same mistake occurred in the order dated 27-05-2020 passed in Cr. Misc. 80507 of 2019 by which the O.P. No. 2 was granted bail.

It is an admitted fact that the alleged occurrence is said to have taken place after 13 years of marriage between the deceased and O.P. No. 2. Further there is no eye witness to the alleged occurrence.

Since the ground taken by the petitioner is only with respect to the typographical error which had taken place due to inadvertent mistake. I find no ground for cancellation of bail in the light of the judgment rendered by the Hon'ble Supreme Court in the case of *(Dolat Ram and Others. Vs State of Haryana) reported in (1995) 1 SCC 349, (Abdul Basit @ Raju & Others Vs. Mohd. Abdul Kadir Chaudhary and Another)) reported in (2014) 10 SCC 754 and (Jagjeet Singh and Others vs. Ashish Mishra @ Monu and Another) reported in (2022) 9 SCC 321.*

Accordingly, the present cancellation application stands dismissed.

(Sudhir Singh, J)

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