

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60569 of 2023**

**In
CRIMINAL MISCELLANEOUS No.50662 of 2021**

Arising Out of PS. Case No.-425 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Rajan Sahani Son Of Ramraj Sahani R/O-Raghunathpur, Ward No. 2,, P.S.-
Turkauliya,O.P.-Raghunathpur Distt.-Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Sr. Advocate

Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 22-09-2023 Heard Mr. Sanjay Singh, learned senior counsel

assisted by Mr. Karandeep Kumar, learned counsel appearing on

behalf of the petitioner and Mr. Aditya Narayan Singh. 1,

learned A.P.P. for the State.

2. Mr. Sanjay Singh, learned senior counsel appearing
on behalf of the petitioner seeks to modify the order dated
23.08.2022 passed in Criminal Miscellaneous No. 50662 of
2021 by which the petitioner was granted bail, however, due to
the condition no. 5 with respect to the criminal antecedent, the
number of cases as stated in paragraph no. 3 of the bail
application was found to be incorrect and as such the bail bond
was not accepted. Learned senior counsel further submitted that



the pairvikar of the petitioner was not aware of all the cases and as such due to the said reason, the details of all the cases could not be stated in paragraph no. 3 of the bail application and that was not consciously made with an intention to mislead the Court.

3. Considering the aforesaid submission made on behalf of the petitioner, this Court finds that the provision of Section 362 of the Code of Criminal Procedure is specific so far as the modification of substantial order is concerned. However, considering the fact that only three cases could not be informed to this Court in paragraph no. 3 of the bail application, I am of the opinion that the petitioner may move before the Court below giving details of all the cases in which the petitioner is involved so that the Court below may consider the bail application of the petitioner the day afresh application is filed.

4. With above observations and directions, the present modification application is disposed of.

(Purnendu Singh, J)

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