

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17282 of 2023

In
CRIMINAL MISCELLANEOUS No.18990 of 2022

Arising Out of PS. Case No.-76 Year-2020 Thana- SULTANGANJ District- Patna

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ARVIND KUMAR @ RAHUL KUMAR S/O DEV KUMAR MAHTO R/O
MOHALLA - NEHRU NAGAR, P.S. - PATLIPUTRA, DISTT. - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner submits that petitioner was granted anticipatory bail by order dated 26.09.2022 in Cr. Misc. No. 18990 of 2022. Learned counsel further submits that the name of the petitioner is Rahul Kumar but his nick name is Arvind Kumar. It is next submitted that petitioner is known by his nick name better than his original name. It is also submitted that petitioner came to be implicated in the present case by his nick name. Learned counsel further submits that even the petitioner signed the Vakalatnama when the present anticipatory bail application was filed as Arvind Kumar instead of Rahul Kumar. It is, thus, submitted that in the anticipatory bail application i.e. Cr. Misc. No. 18990 of 2022



the name of the petitioner was typed as Arvind Kumar instead of Rahul Kumar, though the name in Cr. Misc. No. 18990 of 2022 ought to have been typed as Arvind Kumar @ Rahul Kumar or Rahul Kumar @ Arvind Kumar. It is further submitted that for want of proper instruction by the deponent of Cr. Misc. No. 18990 of 2022, the said mistake occurred. Learned counsel next submits that though petitioner was granted anticipatory bail by order dated 26.09.2022 in Cr. Misc. No. 18990 of 2022 with a direction to surrender within a period of six weeks, but when the petitioner went to surrender it was realized that his original name is Rahul Kumar and is known by his nick name as Arvind Kumar, as such, the petitioner could not surrender, thus, necessitating filing of the present modification application which was filed much prior to the expiration of the date of surrender.

Learned counsel for the petitioner, thus, submits that cause title as recorded in the order dated 26.09.2022 in Cr. Misc. No. 18990 of 2022 may be read as Arvind Kumar @ Rahul Kumar instead of only Arvind Kumar.

In view of the submissions made by the learned counsel for the petitioner, the cause title as recorded in the order dated 26.09.2022 in Cr. Misc. No. 18990 of 2022 is modified to



read as Arvind Kumar @ Rahul Kumar, Son of Dev Kumar Mahto, Resident of Mohalla Nehru Nagar, P.S. Patliputra, District Patna instead of Arvind Kumar, Son of Dev Kumar Mahto, Resident of Mohalla Nehru Nagar, P.S. Patliputra, District Patna.

The order dated 26.09.2022 in Cr. Misc. No. 18990 of 2022 is modified to the extent indicated above.

In the event, if the petitioner surrenders on or before 15.05.2023 his bail bond shall be accepted on the same terms and conditions as recorded in the order dated 26.09.2022 in Cr. Misc. No. 18990 of 2022.

Accordingly, the modification application is allowed.

(Satyavrat Verma, J)

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