

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59870 of 2024

In
CRIMINAL MISCELLANEOUS No.36538 of 2024

Arising Out of PS. Case No.-601 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Haridwar Upadhyay Son of Late Bindeswhwari Upadaya RESIDENT OF
RMS COLONY, ROAD NO.- 3, KANKARBAGH, PS- LOHIA NAGAR,
DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sohal Ahamad Son of Late Aftab Ahmad R/V- Mohalla- Dargah Sah Arja,
P.S.- Sultanganj, Distt.- Patna, Mohalla- Dargah Sah Arja, P.s.- Sultanganj,
Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Yerra Madhavi
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State, Mr. Chandra Bhushan Prasad.

2. The learned counsel for the petitioner submits that
petitioner was given the privilege of anticipatory bail by an
order dated 24.06.2024 in Criminal Miscellaneous No. 36538 of
2024.

3. The learned counsel submits that petitioner, in
compliance of the order dated 24.06.2024 in Criminal
Miscellaneous No. 36538 of 2024, surrendered before the
learned Trial Court and was released on bail.



4. It is next submitted that the instant modification application has been filed prior to the petitioner surrendering before the learned Trial Court. It is submitted that the instant modification application has been filed seeking modification in the name of the father of the petitioner. It is next submitted that name of the father of the petitioner is Late Bindeswhwari Upadaya, but in Criminal Miscellaneous No. 36538 of 2024, the same inadvertently was recorded as Late Ram Naresh Paswan.

5. At this stage, the learned APP for the State, Mr. Chandra Bhushan Prasad, submits that it absolutely does not stand to reason that when the instant modification application was filed seeking modification in the father's name of the petitioner, then on what basis, the petitioner surrendered and took bail before the learned Trial Court, it is submitted that it appears that the petitioner did not bring the correct facts to the notice of the learned Trial Court rather obtained bail by recording the name of his father as Late Ram Naresh Paswan when he is son of Late Bindeswhwari Upadaya.

6. The learned APP, thus, submits that the petitioner, in zeal of obtaining bail, misrepresented before the learned Trial Court, as such, his bail should be cancelled.

7. The Court completely concurs with the submission



of the learned APP as the petitioner obtained bail before the learned Trial Court in compliance of the order dated 24.06.2024 in Criminal Miscellaneous No. 36538 of 2024 knowing it fully well that he is not son of Late Ram Naresh Paswan, but is son of Late Bindeswhwari Upadaya and even before surrendering the instant modification application was filed, but then the petitioner for reasons best known obtained bail by describing himself as son of Late Ram Naresh Paswan.

8. At this stage, the learned counsel appearing on behalf of the petitioner submits that a petition has been filed before the learned Trial Court by the petitioner, on the date of surrender, bringing to its notice that the instant modification application is pending consideration before this Court, but then the learned Trial Court granted bail to the petitioner.

9. Considering the submission made by the learned counsel appearing on behalf of the petitioner, the name of the father of the petitioner in the order dated 24.06.2024 in Criminal Miscellaneous No. 36538 of 2024 shall be read as Late Bindeswhwari Upadaya instead of Late Ram Naresh Paswan.

10. It is also made clear that if an application has been filed by the petitioner on the date of his surrender that the instant modification application has been filed, but still the bail



has been granted by the learned Trial Court, in that event the learned Trial Court shall not cancel the bail bonds of the petitioner rather will rectify the father's name of the petitioner, but if no application has been filed by the petitioner, on the date of surrender, before the learned Trial Court bringing to its notice that the instant modification application is pending consideration before this Court in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

11. The instant modification application is disposed of with the aforesaid direction.

(Satyavrat Verma, J)

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