

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1685 of 2024
In
CRIMINAL MISCELLANEOUS No.46918 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- BALRAMPUR District- Katihar

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Babul Kumar Son Of Parmanand Yadav @ Pramanand Yadav Resident Of
Village - Chhoti Khagha, P.S. - Mirganj, District – Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 02-02-2024 1. The instant modification petition has been filed by the petitioner with a prayer to permit him to correct his name in the petition of Cri. Misc. No. 46918 of 2023 and thereafter make necessary change in respect of petitioner's name in the order dated 31.07.2023 passed in Cri. Misc. No. 46918 of 2023. It is submitted by learned counsel for the petitioner that the petitioner preferred Cri. Misc. No. 46918 of 2023 for the relief of regular bail which was allowed vide order dated 31.07.2023 and that criminal miscellaneous petition was filed by him showing his name as Babul Kumar, son of Parmanand Yadav @



Pramanand Yadav but that name was not correct in respect to the name of the petitioner but the said wrong was not committed intentionally by the petitioner, in fact, at the time of petitioner's remand in judicial custody his name was wrongly mentioned as Babul Kumar by the concerned police official and thereafter the said police official made a prayer before court concerned for correction of petitioner's name and after that the petitioner's name was corrected by the trial court itself and in this regard relevant order's copy have been filed along with this modification petition. Further submissions are that the petitioner is an illiterate person and he intentionally did not conceal his name as well as identity however he has suffered a lot for the said wrong as he has to spend unnecessary period of 6 months in jail despite his bail prayer having been allowed vide order dated 31.07.2023 passed in Cr. Misc. No. 46918 of 2023 and he has been punished sufficiently for the said wrong and further on account of the said wrong he has got no any wrongful gain as he has fair and clean antecedent as appears from the report sent by the Superintendent of Police, Katihar.

2. Learned APP has no objection to the prayer of the petitioner.

3. Heard both the side, though the petitioner has



committed a wrong by concealing his identity but however, on account of the said wrong the petitioner has to spent unnecessary period of 6 months in jail despite his bail prayer having been allowed on 31.07.2023 and the report sent by the Superintendent of Police, Katihar, shows that he has got no criminal antecedent and the prosecution has not produced any material to show any wrongful gain to the petitioner on account of his wrong. So, in the light of these circumstances, this court is of the opinion that a lenient approach may be taken on the modification prayer of petitioner, Accordingly, his prayer stands allowed.

4. The petitioner's counsel is permitted to make necessary correction with regard to the name of the petitioner as well his father's name and address in the petition of Cri. Misc. No. 46918 of 2023 and thereafter petitioner's name as well as his father's name and address be read as “ **Roshan Kumar Sah @ Paltu, Son of Indeshwari Prasad Sah, resident of Village -Milki, P.S.-Mirganj, District - Purnea**” in place of **Babul Kumar, Son of Parmanand Yadav @ Pramanand Yadav, resident of village- Chhoti Khagha, P.S. Mirganj, District -Purnea**”, in the order dated 31.07.2023 passed in Cri. Misc. No. 46918 of 2023.



5. Accordingly, instant modification petition stands
allowed.

(Shailendra Singh, J)

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