

Patna High Court - Orders

Laxman Rai @ Laxman Singh & Anr vs State Of Bihar on 23 March, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.10743 of 2010

LAXMAN RAI @ LAXMAN SINGH & ANR

Versus

STATE OF BIHAR

2/ 23.03.2010 Heard learned counsel for the petitioners on the application for modification of order dated 15.12.2009 passed in Cr.Misc. No. 42067 of 2009 whereby while granting anticipatory bail one month's time was allowed to the petitioners to surrender in the court below.

It is submitted that the petitioners tried his best to trace out the fax message sent by this Court to the court below but the same could not be traced out. Thereafter the learned counsel for the petitioners filed a petition on 18.01.2010 before the Registrar, Civil Court Ara (Bhojpur) about the missing of the fax message of this court and requested to do the needful. Thereafter, on the same day, i.e., 18.01.2010 the order of this Court sent through fax was received in the court of Chief Judicial Magistrate, Ara but the petitioners were not allowed to surrender, saying that the time stipulated by the High Court has already expired.

Considering the submission, aforesaid, the modification application is allowed to the extent that the petitioner shall surrender in the court below within one month from the date of communication of this order.

As prayed for, let this order be sent through fax at the cost of the petitioner.

Let an explanation be also called for from the Chief Judicial Magistrate as well Registrar/ Judge-in-charge, Bhojpur at Ara in connection with Sikarhatta P.S. Case No. 40 of 2009, as to under what circumstances FAX message was not attached with record for proper relief to the petitioner After receipt of explanation this case be placed for orders.

(Mandhata Singh, J) BTiwary/