

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15601 of 2021**

**In
CRIMINAL MISCELLANEOUS No.27510 of 2020**

Arising Out of PS. Case No.-107 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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PINTU RAY @ PINTU ROY @ KAPILDEO RAY Son of Moti Ray,
Resident of Village- Narsandi, P.S.- Shambhuganj, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Pravina Kumari, Advocate

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-03-2021 This application has been filed seeking modification

in the order dated 19.01.2021 passed in Cr. Misc. No. 27510 of

2020. It appears that by the said order this Court having

considered the matter directed in case of his arrest or surrender

release of the petitioner on bail on furnishing bail bond. One of

the conditions incorporated in the order dated 19.01.2021 reads

as under:

“And further condition that the court
below shall verify the criminal antecedent of the
petitioner and in case at any stage it is found that
the petitioner has concealed his criminal
antecedent, the court below shall take step for
cancellation of bail bond of the petitioner.
However, the acceptance of bail bonds in terms
of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.”

By filing the present application now this Court is being informed that in paragraph ‘3’ of the main petition of Cr. Misc. No. 27510 of 2020, the petitioner had disclosed about five cases only whereas he has got four other cases. The detail of the cases are mentioned in paragraph ‘4’ of the present application. It is stated that petitioner is on bail in all those cases but because of the mistake on the part of the pairvikar/deponent of the case the four other cases were not disclosed.

It is submitted that in course of verification of the criminal antecedent of the petitioner now these facts have surfaced.

Learned APP for the State has opposed the prayer for modification of the order. It is his submission that the prayer made on behalf of the petitioner in the present case is not in the nature of modification of the order rather it would amount to reviewing the order passed by this Court which is not permissible.

This Court agrees with the views expressed by learned A.P.P. for the State. The conditions imposed in the order dated 19.01.2021 is a part of the order and it has got bearing upon the exercise of the discretion by this Court while granting



the bail. Taking away the said condition would amount to reviewing the order of this Court.

In the opinion of this Court, the modification application cannot be entertained. If the petitioner has availed the benefit of order dated 19.01.2021, he must surrender within two weeks from today in the learned court below failing which the learned court below shall proceed in terms of the consequences indicated in the order dated 19.01.2021.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

