

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9283 of 2022**

**In**  
**CRIMINAL MISCELLANEOUS No.29572 of 2021**

Arising Out of PS. Case No.-20 Year-2021 Thana- BARGAINIA District- Sitamarhi

MD. SADDAM Son of Jaharuddin Resident of Village - Marpatahir (Wrongly written in prosecution report Marpa Kothi), P.S.- Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Birendra Kumar, Adv  
For the Opposite Party/s : Mr.Rajesh Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      23-02-2022                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The present modification application has been filed for modify the order dated 23.11.2021.

By the order dated 23.11.2021, the petitioner was granted bail with the following conditions :-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

The learned counsel for the petitioner submits that due to communication gap on the basis of the information furnished by the Pairvikar. It was stated in Para-3 of the bail petition that the petitioner has no criminal history.

The Court also noticed Section 362 of Cr.P.C. it reads as follows :-

“362–Court not to alter judgment. Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it



has signed its judgment or final order disposing of  
a case, shall alter or review the same except to  
correct a clerical or arithmetical error.”

In the aforesaid facts and circumstances, the instant  
modification petition is dismissed.

**(Rajesh Kumar Verma, J)**

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