

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19244 of 2022

In
CRIMINAL MISCELLANEOUS No.46622 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Rohtas

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ABHIMANYU KUMAR @ ABHIMANYU KUMAR SINGH Son of Arjun Singh Resident of Village - Banjari, P.S.- Akabarpur, District - Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonal Kumari Daughter of Late Arvind Kumar Tiwari Resident of Village - Bikramganj Gautam Nagar, P.S.- Bikramganj, District - Rohtas (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh,Adv
For the Opposite Party/s : Ms.Pushpa Sinha1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2022 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 24.02.2022.

By the order dated 24.02.2022, 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 got no criminal antecedent but in fact the petitioner has got one criminal antecedent vide Rohtas P.S. Case No.01 of 2020.

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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