

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26089 of 2022

In
CRIMINAL MISCELLANEOUS No.50780 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAMESH MAHTO Son of Rajendra Mahto Resident of Village - Shripur,
Ward No. 03, P.S. - Cheriabariyarpur, District - Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The present modification has been filed for modify
the order dated 03.01.2022 passed in Cr. Misc. No. 50780 of
2021 (Ramesh Mahto Vs. The State of Bihar).

By the order dated 03.01.2022, 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 one criminal antecedent bearing Cheriabariarpur P.S. Case No. 218 of 2020.

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

“362 – Court not to alter judgement. –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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