

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25516 of 2022

In
CRIMINAL MISCELLANEOUS No.31234 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- MANJHAGARH District- Gopalganj

Shivjee Chaudhary S/o Late Babulal Chaudhary R/o village- Shekh Parsa,
P.S.- Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

The present modification application has been filed for modify the order dated 14.02.2022 passed in Cr. Misc. No. 31234 of 2021.

By the order dated 14.02.2022, 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 tamper with the evidence or the witness, 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 antecedents, 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 paragraph-3 of the bail petition that the petitioner has no criminal history.

The Court also notice 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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