

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58060 of 2022

In
CRIMINAL MISCELLANEOUS No.36167 of 2021

Arising Out of PS. Case No.-439 Year-2019 Thana- CHIRAIYA District- East Champaran

1. Laxman Mukhiya S/O Late Charitar Mukhiya R/o village- Bara Jairam, P.S- Chiraiya, District- East Champaran
2. Mukesh Mukhiya S/o Sri Laxman Mukhiya R/o village- Bara Jairam, P.S- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioners as well as

learned APP for the State.

Learned counsel for the petitioners is permitted to
remove the defects, as pointed out by the office, within a period
of four weeks from today.

The present modification application has been filed
for modify the order dated 14.12.2021 passed in Cr. Misc.
No. 36167 of 2021.

By the order dated 14.12.2021, the petitioners were
granted bail with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 petitioners 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 petitioners have one criminal antecedent in place of two criminal antecedents.



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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