

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59295 of 2022

In
CRIMINAL MISCELLANEOUS No.66642 of 2021

Arising Out of PS. Case No.-243 Year-2021 Thana- DHANARUA District- Patna

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BADAL KUMAR @ RUDAL Son of Sanjay Thakur R/v- Sewati P.S.-
Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This application has been filed for modification of the
order dated 24.01.2022 passed in Cr. Misc. No. 66642 of 2021 by
which the petitioner has been granted bail by this Court.

What this Court has observed is the prayer for bail
of the petitioner made vide Cr. Misc. No. 66642 of 2021 has been
allowed vide order dated 24.01.2022 after hearing the matter out
of turn taking note of the Mentioning slip, which is at Flag-X to
the main petition, filed on behalf of the petitioner on the ground
that the mother of the petitioner has died on 16.01.2022 and her
last rituals are said to be held on 24.01.2022 and therefore, the
matter has been heard on 24.01.2022 and bail has been granted
to the petitioner with one of the condition which is as follows;



“4. The learned court below is directed to verify the genuineness of death of mother of the petitioner from the local police station before releasing the petitioner on bail.”

Pursuant to that condition the bail bonds of the petitioner could not be accepted by the court below in view of the fact that the mother of the petitioner is still alive.

Now, the petitioner has approached this Court by way of present application seeking modification of the order dated 24.01.2022 bringing on record the fact that the mother of the petitioner has not died and in this regard statement has been made in paragraph Nos. 10 and 11 of the present application.

The Court noticed Section 362 of Cr. P.C. which 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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