

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58212 of 2022

In
CRIMINAL MISCELLANEOUS No.46379 of 2021

Arising Out of PS. Case No.-218 Year-2019 Thana- CHAUTHAM District- Khagaria

Lalu Kumar @ Lalu Yadav Son of Late Surendra Yadav Resident of Village
Chukti Police Station - Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan, Advocate.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-11-2022 Heard Mr. Bharat Bhushan, learned counsel appearing
on behalf of the petitioner and Mr. Raj Kishor Singh, learned
APP for the State.

Petitioner had filed Cr. Misc. No. 46379 of 2021
seeking bail in connection with Choutham P.S. Case No. 218 of
2019 for the offence punishable under Section 395 of the Indian
Penal Code. The said bail application was heard on 04.04.2022
and the petitioner was directed to be released on bail on certain
conditions made therein with direction to the court below to
verify the statement made in Paragraph No.3 of the bail
application relating to the number of cases pending against the
petitioner and if it is found correct, then the petitioner be
released on bail.

Learned counsel appearing on behalf of the petitioner



submitted that the Pairvikar of the petitioner had not given proper instruction with regard to the number of cases pending against the petitioner and as such some of the cases in which petitioner was involved could not be stated in Para-3 of the bail application. He further submitted that in Para-125 of the case diary also, only six cases pending against the petitioner has been mentioned. However, while bail bond was furnished by the petitioner, eleven cases are pending against the petitioner and as such the petitioner could not be released.

In such circumstances, petitioner seeks modification of order dated 04.04.2022 submitting that such mistake was not intentional, but the said modification sought by the petitioner is hit by the bar under the provision of Section 362 Cr.P.C. Section 362 Cr.P.C. puts an embargo on the Court to alter or review the judgment or final order passed on merits after signing it, except to correct a clerical or arithmetical error in the same. It is a settled proposition of law and has been reiterated by the Supreme Court in its various judicial pronouncements.

In view of the said statutory provision under Section 362 Cr.P.C., this Court is not inclined to modify the order dated 04.04.2022. The petitioner, if so advised, may renew his prayer for bail before the court below.



Accordingly, the modification application stands
disposed of.

(Purnendu Singh, J)

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