

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58751 of 2022

In
CRIMINAL MISCELLANEOUS No.63650 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- ROH District- Nawada

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DWARIKA RAJBANSHI @ DWARIKA RAJWANSHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-11-2022 Heard Mr. Pramod Kumar Verma, learned counsel for the petitioner and Mr. Lakshmi Kant Sharma, learned A.P.P. for the State.

Petitioner had filed Cr. Misc. No. 63650 of 2021 seeking bail in connection with Roh P.S. Case No. 140 of 2021 for the offence punishable under Section 30(a)(d) and 41 of the Bihar Prohibition and Excise Act. The said bail application was heard on 05.05.2022 and the petitioner was directed to be released on bail on certain conditions made therein with direction to the court below to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

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. However, while bail bond was furnished by the petitioner, some more case were found pending against the petitioner and in view of the condition imposed vide order dated 05.05.2022, the petitioner could not be released.

In such circumstances, petitioner seeks modification of order dated 05.05.2022 passed in Cr. Misc. No. 63650 of 2021 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 05.05.2022. 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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