

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6360 of 2023

In
CRIMINAL MISCELLANEOUS No.48123 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- CHAUSA District- Madhepura

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1. AJAY YADAV SON OF MAHENDRA YADAV R/O VILLAGE- DHURIYA SATUARI WARD NO.12, P.S.- CHAUSA, DISTRICT- MADHEPURA
 2. SUNIL YADAV SON OF MADAN YADAV R/O VILLAGE- DHURIYA SATUARI WARD NO.12, P.S.- CHAUSA, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2023 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 30.11.2022 passed in Cr. Misc. No. 48123 of

2022 by which the petitioner had been granted anticipatory

bail by this Court.

Learned counsel appearing for the petitioner has

submitted that the petitioner has been granted bail vide

order dated 30.11.2022 with one of the conditions that;

“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



antecedent, 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-mention order shall not be delayed for purpose of or in the name of verification”

In terms of the aforesaid condition, learned court below has verified the antecedent of the petitioners at the time of acceptance of bail bond and found one case being Chausa P.S. Case No. 144 of 2021 pending against petitioner No.1 accordingly, bail bonds of petitioner No.1 could not be accepted. Hence, this modification application seeking modification of order dated 30.11.2022.

Learned counsel for the petitioners submits that there is no deliberate and negligent intention in the mind of the petitioners or pairvikar of the petitioners rather the due to inadvertent mistake, criminal antecedent of petitioner No.1 could not be mentioned in paragraph No.3 of the petition as the petitioner No.1 was at Madras at the relevant time and he had knowledge about his criminal antecedent.

The Court also notice Section 362 of Cr. P.C. it reads as follows:

“362- Court not to after 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.

Taking note of Section 362 Cr.PC, this Court does want to modify the order dated 30.11.2022, accordingly, the instant modification petition is dismissed.

(Rajesh Kumar Verma, J)

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