

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13847 of 2023

In
CRIMINAL MISCELLANEOUS No.1826 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- SALAIYA District- Aurangabad

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1. Ashish Kumar Yadav @ Ashish Kumar Son of Arjun Yadav R/v- Mahulaniya, P.S.- Chhakarbandha (Chakarandha), District- Gaya (Bihar)
 2. Nitish Kumar Son of Basant Yadav R/v- Mahulaniya, P.S.- Chhakarbandha (Chakarandha), District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defects, if any, as pointed out by the office, be
removed within a period of four weeks.

The present modification application has been filed
for modifying the order dated 16.05.2022.

By the order dated 16.05.2022, 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 witnesses, 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 para-3 of the bail petition that the petitioners have no criminal history.

The present modification application has been filed for modifying the order dated 16.05.2022 passed in



Cr. Misc. No. 1826 of 2022 on the ground that due to inadvertently it was mentioned “clean antecedent” but in fact, at the time of furnishing bail bond, learned counsel for the petitioners in the Court below found that the petitioners have four criminal antecedents, therefore, bail bond of the petitioners could not be furnished.

The Court also 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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