

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28952 of 2023

In
CRIMINAL MISCELLANEOUS No.48131 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- PAROO District- Muzaffarpur

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VIJAY KUMAR THAKUR SON OF RAMDEV THAKUR Resident of
Village Paroo Kaswa, PS Paroo, Dist-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 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. 48131 of 2022 by which the petitioner had been granted the privilege of anticipatory bail by this Court.

Extension of period of surrender by way of modification of the order, as aforesaid, is sought on behalf of the petitioner after five months from the date of order granting anticipatory bail to the petitioner but the record reveals that the petitioner is trying to bring on record another fact with respect to his criminal antecedent to the effect that the petitioner is having three antecedents whereas in paragraph-3 of the main application the petitioner was stated to be of clean antecedent.



This appears to be a deliberate and intentional matter of suppression of fact and also an example of misuse of privilege of anticipatory bail. This Court is of view that the bonafide of the petitioner is under question.

Taking note of lackadaisical approach of the petitioner and misuse of anticipatory bail, this Court would rely on Section 362 of the Cr.P.C., which is quoted herein-below:

“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 view of intent of Section 362 Cr.P.C., this Court is not inclined to modify the order order dated 30.11.2022 passed in Cr. Misc. No. 48131 of 2022.

Accordingly, this modification application stands dismissed.

(Rajesh Kumar Verma, J)

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