

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39333 of 2023**

**In
CRIMINAL MISCELLANEOUS No.41633 of 2022**

Arising Out of PS. Case No.-1098 Year-2021 Thana- PHULWARISHARIF District- Patna

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OM KUMAR @ ONKAR S/O MANTU SINGH @ ASHOK VERMA R/O
Village- Anjanwan Bishunchak, P.S- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 05-07-2023 Heard learned counsel for the petitioner as well as

learned APP for the State.

The present modification application has been filed
for modify the order dated 28.03.2023 passed in Cr. Misc.
No. 41633 of 2022.

By the order dated 28.03.2023, the petitioner was
granted bail with the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without
sufficient reason, his bail bond shall be cancelled by the Court
below.



(2) If the petitioner tamper with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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-mentioned order shall not be delayed for purpose of or in the name of verification.

The learned counsel for the petitioner submits that during the pendency of the bail application, the police remanded the petitioner on 24.08.2022 in one another case being Naubatpur P.S. Case No. 658 of 2021 against unknown and due to communication gap between the petitioner and the Pairvikar it was stated in paragraph-3 of the bail petition that the petitioner has one criminal history.

The Court also notice Section 362 of Cr. P.C. it 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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