

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28224 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- CHARPOKHARI District- Bhojpur

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KRISHNA YADAV SON OF LATE MUNDRIKA YADAV @ MUNDRIKA
SINGH RESIDENT OF VILLAGE- PS- CHARPOKHARI, DISTT-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

By way of present miscellaneous application, the
petitioner seeks modification of the order dated 01.02.2023
passed in Cr. Misc. No.40885 of 2022 by which the petitioner
had been granted bail by this Court.

Learned counsel for the petitioner submits that the
petitioner has been granted bail vide order dated
01.02.2023 passed in Cr. Misc. No. 35309 of 2022 but the
bail bonds of the petitioner could not be accepted by the
court below on the ground that the petitioner has concealed
his criminal antecedent by stating that the petitioner bears
clean antecedent whereas in light of the conditions imposed



in the aforesaid order of this Court, learned court below has verified the criminal antecedent of the petitioner and found one criminal antecedent against the petitioner and accordingly, the petitioner could not be released.

Learned counsel for the petitioner further submits that due to inadvertence, criminal antecedent of the petitioner could not be brought to his notice while the case was being heard. He further submits that there is no deliberate or intentional latches on the part of the petitioner rather it is a case of slip of sight. Hence, the case of the petitioner may be considered sympathetically in the interest of justice.

Taking note of submission advanced by the learned counsel for the petitioner, this Court would observe that the petitioner has tried to conceal the fact of his criminal antecedent in order to obtain privilege of bail from the Court which appears to be a matter of suppression of material fact. Therefore, 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 dated 01.02.2023 passed in Cr. Misc. No. 40885 of 2022 with analogous case.

Accordingly, the prayer for the petitioner is refused and petition stands dismissed.

(Rajesh Kumar Verma, J)

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