

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44447 of 2023

In
CRIMINAL MISCELLANEOUS No.30836 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- NAWANAGAR District- Buxar

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SANTOSH YADAV Son of Late Bihari Yadav Resident of Village - Kadsar,
P.S.- Nawanagar, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2023 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 26.08.2022 passed in Cr. Misc.
30836 of 2022.

By the order dated 26.08.2022, 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 tampers 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 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-mentioned order shall not be delayed for purpose of or in the name of verification.

The learned counsel for the petitioner submits that at the time of filing of main bail application according to the informant furnished by the pairvikar, it was stated in paragraph-3 of the bail petition that the petitioner carries seven more cases other than the present one, whereas the petitioner carries twelve cases. He further submits that there is no deliberate and intentional latches on the part of the petitioner. Therefore, the order may be modified to the aforesaid extent.

This case appears to be a matter of suppression of fact



at the instance of the petitioner just to obtain the privilege of bail.

However, 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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