

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46144 of 2023

In
CRIMINAL MISCELLANEOUS No.3261 of 2023

Arising Out of PS. Case No.-9 Year-2019 Thana- KATEYA District- Gopalganj

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1. Mithilesh Yadav @ Mithlesh Yadav, Son of Ramayan Yadav Resident of Village- Sultanpur, P.S.- Kateya, Dist- Gopalganj.
 2. Rabindar Yadav @ Ravindra Yadav, Son of Late Kanhaiya Resident of Village- Sultanpur, Ps- Kateya, Dist- Gopalganj.
 3. Ramayan Yadav, Son of Late Gandhi Yadav, Resident of Village- Sultanpur, P.S.- Kateya, Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. V.M.K. Sinha, Advocate

Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner nos.1 and 3 as well as learned APP for the State.

The present modification application has been filed on behalf of petitioner no.1 and 3 for modify the order dated 02.05.2023 passed in Cr. Misc. 3261 of 2023.

By the order dated 02.05.2023, 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 petitioner nos.1 and 3 submits that due to communication gap on the basis of the information furnished by the pairvikar, it was stated in paragraph-3 of the bail petition that the petitioner no.1 has been implicated in one case i.e. Comp. Case No. 556 of 2014 and petitioner no.3 has been implicated in two cases i.e. Comp. Case No. 556 of 2014 and Kateya P.S. Case No. 347 of 2018 instead



of three more cases with respect to the petitioner no.1 and four more cases with respect to petitioner no.3.

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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