

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53343 of 2023

In
CRIMINAL MISCELLANEOUS No.20310 of 2023

Arising Out of PS. Case No.-563 Year-2022 Thana- BAHADURPUR District- Darbhanga

1. Kalamuddin Sah @ Kalimuddin Sah Son Of Late Md. Siraj Sah Resident Of Village- Bajitpur, P.S- Manigachhi, Dist- Darbhanga
2. Sher Ali Sah Son Of Yusuf Sah Resident Of Village- Kothiya P.S- Simri, Dist- Darbhanga, Permanently Resident Of Village- Kothiya, P.S- Sakri, Dist- Madhubani
3. Md. Ekbal Sah @ Akbal Sah Son Of Late Majid Sah Resident Of Village- Birsai, P.S- Sakri, Dist- Madhubani
4. Md. Afroz Sah Son Of Makbool Sah Resident Of Village- Makrampur, P.S.- Sakri, Dist- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The present modification application has been filed
for modification of the order dated 06.07.2023.

By the order dated 06.07.2023, 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 petitioners submits that due to communication gap on the basis of the information furnished by the Pairvikar. It was stated in Para-3 of the bail petition that the petitioners carry five more cases other than the present one in place of seven more cases.

The Court also noticed 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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