

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50899 of 2023

In
CRIMINAL MISCELLANEOUS No.10491 of 2023

Arising Out of PS. Case No.-364 Year-2021 Thana- MOKAMAH District- Patna

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SUMAN SAURAV KUMAR @ SONU PAHELWAN Son of Sri Surendra
Ray Resident of village - Mekra, ward no. 6, P.S. - Mokama, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2023 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 17.07.2023 passed in Cr. Misc.
10491 of 2023.

By the order dated 17.07.2023, 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 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 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 has clean antecedent instead of one criminal history i.e. Mokama P.S. Case No.242 of 2021.

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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