

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64856 of 2023

In
CRIMINAL MISCELLANEOUS No.58926 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- HATHIDAH District- Patna

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Harsh Singh @ Harsh Kumar Son Of Vijay Singh Resident Of Village-
Gurudeo Tola, Mokama, Ps- Mokama and Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-10-2023 Heard Mr.Gajendra Kumar Singh, learned counsel for

the petitioner and Mr.Satyendra Narayan Singh, learned

Additional Public Prosecutor for the State.

2. The present modification application has been filed
for modifying the order dated 07.02.2023 passed in Cr. Misc.
No.58926 of 2022 by which the petitioner has been granted bail
by this Court with the following conditions.

I. 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.

II. 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.

III. 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.

3. The learned counsel for the petitioner submits that the condition No.I, by which the petitioner has been directed to cooperate with 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.

4. Learned counsel for the petitioner submits that the aforesaid condition may be modified as whenever the learned court below would direct the petitioner he shall appear in the court physically.

5. 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.”

6. In the aforesaid facts and circumstances, the instant modification petition is dismissed.

(Rajesh Kumar Verma, J)

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