

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59419 of 2023

In
CRIMINAL MISCELLANEOUS No.4339 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- KISHANGANJ District- Kishanganj

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SURAJ KUMAR SON OF UPENDRA PASWAN RESIDENT OF
VILLAGE- MUMTAZ MOHALLA, WARD NO 13, PS- NAUGACHIYA,
DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This application has been filed for modification of the
order dated 19.06.2023 passed in Cr. Misc. No. 4339 of 2023 by
which the petitioner had been granted anticipatory bail by this
Court.

By way of this modification application, the petitioner
is trying to bring on record another fact with respect to his
criminal antecedent to the effect that the petitioner is having two
antecedents whereas in the main application it was mentioned in
the paragraph-3 of the petition that the petitioner is having clean
antecedent.

This appears to be a matter of suppression of fact and



an example of misuse of privilege of bail.

Taking note of lackadaisical approach of the petitioner and misuse of anticipatory bail, this Court would rely on Section 362 of the Cr.P.C., which is quoted herein-below:

“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 view of intent of Section 362 Cr.P.C., this Court is not inclined to modify the order dated 19.06.2023 passed in Cr. Misc. No. 4339 of 2023.

Accordingly, this modification application stands dismissed.

(Rajesh Kumar Verma, J)

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