

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64341 of 2023

In
CRIMINAL MISCELLANEOUS No.21343 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- SITAMARHI District- Sitamarhi

Shrawan Kumar @ Chandan Kumar S/O Fekan Das R/O Village- Bhup
Bhaira , Ward No.-9, P.S- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar , APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The present modification application has been filed
for modify the order dated 13.07.2023 passed in Cr. Misc.
No. 21343 of 2023.

3. By the order dated 13.07.2023, the petitioner was
granted bail with the following conditions :-

(1) One of the bailors should be the victim
namely Usha Kumari.

(2) 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.

(3) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) 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 antecedents, 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.

4. The learned counsel for the petitioner submits that the petitioner was granted bail with condition that “*one of the bailors should be the victim namely Usha Kumari*” but the learned counsel for the petitioner states that the victim is not ready to become a bailor for the petitioner in this case and hence the bail bond of the petitioner is not accepted by the learned court below.

5. 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.”

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

(Rajesh Kumar Verma, J)

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