

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67923 of 2023**

**In
CRIMINAL MISCELLANEOUS No.36406 of 2023**

Arising Out of PS. Case No.-92 Year-2021 Thana- SIMULTALLA District- Jamui

=====

Kishor Mahto S/O Late Rajkumar Mahto @ Rajkumar Kushwaha R/O
Village- Gadi Telwa, P.S- Simultala, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 13-10-2023 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 02.08.2023 passed in Cr. Misc.
No. 36406 of 2023.

By the order dated 02.08.2023 the petitioner was
granted bail 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 tamper with the evidence or the witness, 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 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.

The learned counsel for the petitioner submits that on the basis of the information furnished by the Pairvikar, who is an illiterate lady, and due to which it was stated in paragraph-3 of the bail petition that the petitioner has no criminal history.

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)

Prakash Narayan

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