

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74016 of 2023**

**In**  
**CRIMINAL MISCELLANEOUS No.53594 of 2023**

Arising Out of PS. Case No.-81 Year-2023 Thana- LODIPUR District- Bhagalpur

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Sakil @ Md Sakil, aged about 28 years, Male Son of Late Deen Mahmad @ Late Deen Mohd., resident of Village- Pinagwan, Ward No. 3, House No. 127, P.S. Pinagwan, District- Mewat (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate  
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      03-11-2023                      Heard Mr. Ashutosh Kumar, learned counsel for the  
  
petitioner and Mr. Ram Sumiran Rai, learned APP for the State.

2. The present modification application has been filed  
  
for modify the order dated 23.08.2023.

3. By the order dated 23.08.2023, 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/her absence on two consecutive dates without sufficient  
  
reason, his/her bail bond shall be canceled 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) One of the bailors shall be the father of the petitioner, namely, Deen Mahmad @ Deen Mohd.

(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 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.

4. The learned counsel for the petitioner submits that the father of the petitioner is no more and prays to modify the condition no. 3 to the extent that one of the bailors shall be the brother of the petitioner in place of father of the petitioner.

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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