

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69395 of 2023

In
CRIMINAL MISCELLANEOUS No.50550 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- SASARAM RAIL P.S. District- Gaya

1. Ismail Mandal @ Ismile Mandal Son Of Sher Ali Mandal
2. Rizaul Sardar @ Rejaul Sardar Son Of Yusuf Sardar @ Yusuf Ali Sardar.
Both Resident Of Boyarsing, (BAIMAR Singh), Taldih (TAL Dih) Pol, P.S. -
Kaini (CANNING), District - 24 Pargana, West Bengal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The present modification application has been
filed for modify the order dated 10.08.2023 passed in Cr. Misc.
No. 50550 of 2023.

3. By the order dated 10.08.2023 the petitioners were
granted bail with the following conditions :-

1. One of the bailors should be
the father of the petitioners.

2. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 petitioners submits that father of the petitioner no.1 is missing and no one knows his presence. Further submits that father of petitioner no.2 is seriously ill suffering from various ailments and as such they are unable to comply the condition no.1 of the order dated 10.08.2023 passed in Cr. Misc. No. 50550 of 2023.

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)

Prakash Narayan

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