

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71838 of 2023

In
CRIMINAL MISCELLANEOUS No.50913 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. Aman Kumar Son of Raushan Mahto, Residnet of Village- Beer Singh Colony, Budh Bihar Phase 2, Rohin, Sector 24, P.S. -Sector 5, Bidh Bihar, North West Delhi.
2. Vishesh Kumar @ Vishesh, Son of Murari Lal, Resident of Village- Dhanipur Mandi, P.S. and District- Aligarh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-11-2023 Heard Mr. Sushil Kumar, learned counsel for the
petitioners and Mr. Manoj Kumar, learned APP for the State.

2. The present modification application has been filed
for modify the order dated 16.08.2023.

3. By the order dated 16.08.2023, the petitioners were
granted bail with the following conditions:-

(I) One of the bailors should be father of the
petitioners, namely Raushan Mahto and Murari Lal.

(II) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(III) If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) 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 his 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 the father of the petitioners are no more and prays to modify the condition no. 1 to the extent that one of the bailors shall be the brother-in-law or other relative of the petitioners in place of father of the petitioners.

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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