

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76262 of 2023

In
CRIMINAL MISCELLANEOUS No.57389 of 2023

Arising Out of PS. Case No.-470 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Mota Ram Son Of Late Rama Ram Resident Of Village - Jaydoo Vasara, P.S.
- Ramsar, District - Barmer, State - Rajashthan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-11-2023 Heard Mr. Anish Kumar, learned counsel for the
petitioner and Mr. Meena Singh, learned APP for the State.

2. The present modification application has been filed
for modify the order dated 05.09.2023.

3. By the order dated 05.09.2023, the petitioner was
granted bail with the following conditions:-

i. One of the bailors shall be the
father of the petitioner, namely, Rama Ram.

ii. 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.

iii. 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.

iv. 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 therefore the bail bond of the petitioner could not be furnished. He further prays to modify the condition no.6(i) to the extent that the word "Late" may be added before the name of the father of the petitioner and further modify the condition no.6(i) because the father of the petitioner



is no more.

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.”

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

(Rajesh Kumar Verma, J)

Prakash Narayan

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