

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18771 of 2023

In
CRIMINAL MISCELLANEOUS No.45228 of 2022

Arising Out of PS. Case No.-78 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Chuman Sahni @ Chuman Chaudhary@Ranjit Choudhary Son Of Asharfi
Sahani @ Raghubir Sahni @ Raghubir Choudhary Vill Hathiyahi ,PS Pipra
Kothi , Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defects, if any, as pointed out by the office, be
removed within a period of four weeks.

The present modification application has been filed
for modifying the order dated 18.11.2022 passed in Cr. Misc.
No. 45228 of 2022.

By the order dated 18.11.2022, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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. 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.

The learned counsel for the petitioner submits that the pairvikar has not informed the learned counsel for the petitioner that the petitioner carries one criminal antecedent other than the present one. So the learned counsel for the petitioner did not mention it in the bail petition. He further submits that he has mention in para-3



of the bail petition that the petitioner has no criminal history.

The Court also noticed Section 362 of Cr.P.C. which 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)

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