

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77494 of 2023

In
CRIMINAL APPEAL (SJ) No.1731 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- RAJEPUR District- East Champaran

Chulahi Kumar @ Shyam Kumar S/O Mahadev Prasad @ Mahadev Bhagat
Village- Kashipakadi, Ps. Rajepura, Dist. East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kamli Devi W/O Ganesh Baitha Village- Bariyara, Ps. Rajepur, Dist. East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2023 Heard Mr. Bal Govind Sharma, learned counsel for

the petitioner as well as Dr. Indihar Kumari, learned APP for

the State.

The present modification application has been filed
for modify the order dated 07.07.2023 passed in Cr. Appeal (SJ)
No.1731 of 2023.

By the order dated 07.07.2023, the petitioner was
granted bail with the following conditions :-

(1) Appellant 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 appellant tampers with the evidence or the witness, 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 appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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 due to communication gap on the basis of the information furnished by the Pairvikar. It was stated in paragraph-3 of the bail petition that the petitioner has no criminal history.

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.”

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

(Rajesh Kumar Verma, J)

Prakash Narayan

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