

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78871 of 2023

In
CRIMINAL MISCELLANEOUS No.52803 of 2023

Arising Out of PS. Case No.-1008 Year-2022 Thana- MUFFASIL District- West Champaran

Saheb Miyan @ Auranjeb Mian S/O Atiullah Miyan @ Atul Miyan R/O
Village- Sansoriya, P.S- Bettiah Muffasil, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

The present modification application has been filed
for modify the order dated 26.09.2023 passed in Cr. Misc.
No. 52803 of 2023.

By the order dated 26.09.2023, the petitioner was
granted bail with the following conditions :-

i. One of the bailors shall be the informant, namely,
Bedami Devi who is mother of the victim.

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.

The learned counsel for the petitioner submits that parent of the petitioner approached informant and requested her for bailor as per the condition imposed, but the informant refused to be one of the bailor of the petitioner.

The Court 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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