

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82790 of 2023

In
CRIMINAL MISCELLANEOUS No.51062 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- KANTI District- Muzaffarpur

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Mukesh Chaudhary @ Mukesh Da @ Mukesh Kumar Chaudhary Son Of Late
Gauri Shankar Chaudhary Resident Of Village - 40 Dolaigaon, P.S. -
Bongaigaon, District - Bongaigaon, Assam

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2023 Heard Mr.Manjeet Kumar Mishra, learned counsel

for the petitioner and Mr.Ramesh Chandra, learned Additional

Public Prosecutor for the State.

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

By the order dated 16.08.2023, the petitioner was
granted bail with the following conditions :-

(I) One of the bailors should be the father of the
petitioner, namely, Gauri Shankar Chaudhary.

(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 the farther of the petitioner is no more and 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.

From a bare perusal of the modification application, it appears that the date of death of the father of the petitioner is not mentioned nor death certificate of the father of the petitioner



has been attached in the modification application.

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.”

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

(Rajesh Kumar Verma, J)

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