

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82345 of 2023

In
CRIMINAL MISCELLANEOUS No.70891 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- KHIJARSARAI District- Gaya

Sivbachan Singh S/O Late Ramdev Singh R/O Village- Dema Fatehpur, Gaya
Police Station Khijarsarai, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2023 Heard Mr.Dinesh Maharaj, learned counsel for the

petitioner and Mr.Damodar Prasad Tiwary, learned Additional

Public Prosecutor for the State.

The present modification application has been filed
for modifying the order dated 07.11.2023.

By the order dated 07.11.2023, the petitioner was
granted anticipatory bail with the following conditions :-

1. Petitioners 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 their absence on two consecutive dates without sufficient
reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 Para-3 of the bail petition that the petitioner has got no criminal history but in fact the petitioner carries one more case other than the present one.

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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