

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14699 of 2024

In
CRIMINAL MISCELLANEOUS No.59658 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Rajesh Kumar Son Of Chhattu Singh Resident Of Village - Kotwali, P.S. -
Nawada Bazar, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-03-2024 Heard Mr. Ranjan Kumar Jha, the learned counsel

for the petitioner and Mr. Rabindra Kumar, the learned

Additional Public Prosecutor for the State.

2. The present modification application has been filed

for modifying the order dated 06.12.2023, passed in Cr. Misc.

No. 59658 of 2023.

3. Vide order dated 06.12.2023, the petitioner was

granted bail with the following conditions:

*(i) One of the bailors should be the victim namely,
Resham Kumari.*

*(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 reasons, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court shall verify the criminal antecedent(s) of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent(s), the learned trial Court shall take steps for cancellation of the 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

4. The learned counsel for the petitioner submits that after getting anticipatory bail, the petitioner in order to fulfill condition no. 1, tried to contact the victim, namely, Resham Kumari, however, she remained traceless.

5. Learned counsel for the petitioner further submits that due to the aforementioned reason, the order dated 06.12.2023 may kindly be modified to the extent that condition no. 1 may be expunged/deleted.



6. The Court also notices Section 362 of the Cr. P.C., which is read 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.”

7. In view of the aforesaid, there is no merit in the modification application. Accordingly, the present modification application stands dismissed.

(Rajesh Kumar Verma, J)

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