

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24009 of 2024

In
CRIMINAL MISCELLANEOUS No.48143 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- MALAYPUR District- Jamui

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Kundan Kumar S/o- Jagdeo Das Village - Devachak, P.S. Malaypur, District
Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2024 Heard Mr.Prabhat Ranjan Singh, learned counsel for

the petitioner and Mr.Surendra Kumar, learned Additional

Public Prosecutor for the State.

2. The present modification application has been filed
for modification of order dated 06.12.2022.

3. By the order dated 06.12.2022, the petitioner and
Anr. were granted anticipatory bail with the following
conditions :-

I. 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.



II. 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.

III. 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.

4. 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 anticipatory bail petition that the petitioner has no criminal history but in fact the petitioner carries one more case other than the present one.

5. 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.”

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

(Rajesh Kumar Verma, J)

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