

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30961 of 2024

In
CRIMINAL MISCELLANEOUS No.7238 of 2024

Arising Out of PS. Case No.-331 Year-2022 Thana- CHAUTHAM District- Khagaria

1. Imteyaz Alam @ Mohammad Imteyaz Alam son of Mohammad Isa Village-
Mohanpur Thana Tola PS- Chautham District -Khagaria
2. Md. Isa Uddin @ Md. Isa @ Isa Uddin son of Nasir Uddin Village-
Mohanpur Thana Tola PS- Chautham District -Khagaria
3. Izhar Alam @ Md. Ishar Alam son of Md. Isa Uddin Village- Mohanpur
Thana Tola PS- Chautham District -Khagaria
4. Istiyaq Alam @ Md. Istiyaq Alam son of Md. Isha Uddin Village- Mohanpur
Thana Tola PS- Chautham District -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2024 Heard Mr. Chhote Lal Mishra, learned counsel for

the petitioners as well as Mr. Mukesh Kumar Singh, learned

APP for the State.

2. The present modification application has been
filed for modify the order dated 17.02.2024 passed in Cr. Misc.
No. 7238 of 2024.

3. By the order dated 17.02.2024, the petitioners
were granted 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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.

4. The learned counsel for the petitioners submits that the Pairvikar of the petitioners have no knowledge about the criminal antecedents of the petitioners and it was stated in paragraph-3 of the bail petition that the petitioner no. 1, 2, 4 have no criminal antecedent and petitioner no. 3 has one more criminal antecedent but learned counsel for the petitioners stated in the modification petition that in fact the petitioner no. 1 carries two criminal antecedents, petitioner no. 2 carries one criminal antecedent and petitioner no. 3 has also other criminal



antecedents.

5. The Court also 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.”

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

(Rajesh Kumar Verma, J)

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