

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44144 of 2024

In
CRIMINAL MISCELLANEOUS No.9391 of 2024

Arising Out of PS. Case No.-76 Year-2022 Thana- BALUA BAZAR District- Supaul

Rupesh Sada @ Rupesh Kumar Son of Dhokay Sada resident of Village-
Bishanpur Gulami, Ward No. 9, P.S- Balua Bazar, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2024 Heard Mr. Pramod Mishra, learned counsel for the

petitioner as well as Mr. Umeshanand Pandit, learned APP for

the State.

2. The present modification application has been filed
for modify the order dated 22.02.2024 passed in Cr. Misc.
No. 9391 of 2024.

3. By the order dated 22.02.2024, the petitioner was
granted bail with the following conditions :-

i. One of the bailors shall be father of the victim,
namely, Paltan Sharma.

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 tamper with the evidence or the witness, 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 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 petitioner submits that though the condition that the father of the victim would be one of the bailors was imposed with the consent of the petitioner, it has been submitted on behalf of the petitioner that the father of the victim is not ready to become a bailor and therefore, the said condition may be modified.

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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