

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45423 of 2024

In
CRIMINAL MISCELLANEOUS No.80947 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- BELDOUR District- Khagaria

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1. Arvind Yadav
 2. Rawen Yadav @ Navin Yadav
 3. Rupesh Yadav
 4. Daulat Kumar.
All are Sons of Fahim Yadav
 5. Fahim Yadav S/O Late Sukhdeo Yadav @ Bhuto Yadav.
 6. Reshmi Devi W/O Fahim Yadav.
All are R/O Village- Pirnagra,P.S.- Beldaur, District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Learned counsel for the petitioners seeks permission to withdraw this modification application with respect to petitioner No.4, namely, Daulat Kumar.

2. Permission is accorded.

3. Accordingly, this modification application with respect to petitioner No.4, namely, Daulat Kumar stands dismissed as withdrawn.

4. Heard Mr.Rahul Singh, learned counsel for the petitioners (except petitioner No.4, namely, Daulat Kumar) and Mr.Anil Kumar, learned Additional Public Prosecutor for the



State.

5. The present modification application has been filed for modification of the order dated 10.01.2024.

6. By the order dated 10.01.2024, the petitioners were granted privilege of 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.



7. The learned counsel for the petitioners 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 petitioners have no criminal antecedent but in fact the petitioners have got criminal antecedent, as mentioned in the modification application.

8. 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.”

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

(Rajesh Kumar Verma, J)

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