

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29320 of 2024

In
CRIMINAL MISCELLANEOUS No.30797 of 2023

Arising Out of PS. Case No.-276 Year-2014 Thana- CHIRAIYA District- East Champaran

1. Dileep Rai S/O Radha Rai @ Radha Nand Rai R/O Village- Katkway, Ps. Chiraiya, Dist. East Champaran
2. Jitendra Rai S/O Sudama Rai R/O Village- Katkway, Ps. Chiraiya, Dist. East Champaran
3. Laddu Rai S/O Ramdayal Rai R/O Village- Katkway, Ps. Chiraiya, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2024 Heard Mr. Anuj Kumar, learned counsel for the petitioners and Mr. Bharat Bhushan, learned APP appearing on behalf of the State.

The present modification application has been filed for modify the order dated 25.07.2023 passed in Cr. Misc. No. 30797 of 2023 to the extent to delete condition no.3 in the fact that due to mentioned in para-3 of the main petition that the petitioners have no criminal antecedent, however the petitioner no.3 has one antecedent.

By the order dated 25.07.2023, 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 witnesses, 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 antecedent, the court below shall take step for cancellation of bail bonds 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.

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 bail petition that the petitioners have no criminal history but in fact the petitioner No.3 carries one more case other than the present one.



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.”

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

(Rajesh Kumar Verma, J)

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