

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2399 of 2024

In
CRIMINAL MISCELLANEOUS No.19679 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Satyapal Singh Son Of Late Sarvan Singh @ Sarwan Singh Resident Of
Village - Lachru, P.S. - Kanauji, District - Patiala, Punjab - 140702

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2024 Heard Mr. Piyush Kumar Pandey, learned counsel for
the petitioner and Mr. Rajesh Kumar, learned APP for the State

2. The present modification application has been filed
for modification of the order dated 20.07.2023 passed in Cr.
Misc. No.19679 of 2023.

3. By the order dated 20.07.2023, the petitioner was
granted bail with the following conditions:-

1. One of the bailor should be father of the
petitioner namely, Sarvan Singh @ Sarwan Singh.
2. 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.

3. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. 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 antecedent, 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. Learned counsel for the petitioner submits that at the time of granting bail to the petitioner, the father of the petitioner was alive but in the modification application the learned counsel for the petitioner has mentioned that the father and mother of the petitioner are no more. Therefore, the petitioner is unable to furnish bail bond. Accordingly, the



learned counsel for the petitioner submits that condition no.6(1) may be modified to the extent that “one of the bailors should be brother of the petitioner” in place of “one of the bailors should be father of the petitioner”.

5. From a bare perusal of the modification application, it transpires that neither the date of death of the father and mother of the petitioner were mentioned nor their death certificate were annexed in the modification application.

6. 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 Court 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.”

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

(Rajesh Kumar Verma, J)

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