

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22030 of 2024

In
CRIMINAL MISCELLANEOUS No.71458 of 2023

Arising Out of PS. Case No.-638 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAJ NARAYAN CHOUDHARY @ PRAVIN KUMAR CHAUDHARY SON
OF PRABHU NARAYAN CHOUDHARY @ PRABHU NARAYAN
CHAUDHARI RESIDENT OF VILLAGE - LAGUNIYA RAGHUKANTH,
POLICE STATION - SAMASTIPUR MUFFASIL, DISTRICT – SAMAS-
TIPUR Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-03-2024 Heard Mr. Aryan Singh, learned counsel appearing on

behalf of the petitioner and Mr. Surendra Prasad Singh learned

APP for the State.

2. Petitioner had filed Cr. Misc. No. 71458 of 2023
seeking bail in connection with Samastipur (Muffasil) P.S. Case
No. 638 of 2022. The said bail application was heard on
07.11.2023 and the petitioner was directed to be released on bail
on certain conditions contained therein with direction to the
district Court to verify the statement made in Paragraph No.3 of
the bail application relating to the number of cases pending
against the petitioner and if it is found correct, then the
petitioner be released on bail.

3. Learned counsel appearing on behalf of the



petitioner submitted that the Pairvikar of the petitioner had not given proper instruction with regard to the number of cases pending against the petitioner and as such some of the cases in which petitioner was involved could not be stated in Para-3 of the bail application. However, while bail bond was furnished by the petitioner, one more case was found pending against the petitioner and as such the petitioner could not be released.

4. In such circumstances, the petitioner seeks modification of order dated 07.11.2023 submitting that such mistake was not intentional, but the said modification sought by the petitioner is hit by the bar under the provision of Section 362 Cr.P.C. Section 362 Cr.P.C. puts an embargo on the Court to alter or review the judgment or final order passed on merits after signing it, except to correct a clerical or arithmetical error in the same. It is a settled proposition of law and has been reiterated by the Supreme Court in its various judicial pronouncements.

5. In view of the said statutory provision under Section 362 Cr.P.C., this Court is not inclined to modify the order dated 07.11.2023 passed in Cr. Misc. No. 71458 of 2023. The petitioner, if so advised, may renew his prayer for bail before the District Court.

6. Accordingly, the modification application stands



disposed of.

(Purnendu Singh, J)

Sanjay/-

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