

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14812 of 2025

In
CRIMINAL MISCELLANEOUS No.89048 of 2024

Arising Out of PS. Case No.-321 Year-2024 Thana- SUGAULI District- East Champaran

1. Saifullah Khan @ Shafiullah Khan Son of Late Yunus Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
2. Mintu Khan Son of Amzad Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
3. Jishan Khan Son of Bhuttu Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
4. Lal Mohamad Khan Son of Rafik Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
5. Ali Hassan Khan Son of Lata Mokhtar Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
6. Bhuttu Khan Son of Rafik Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
7. Amit Khan Son of Mazid Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
8. Haidar Khan Son of Samsul Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
9. Azad Khan Son of Late Jan Mohammad Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
10. Shakil Khan Son of Mokhtar Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
11. Salam Khan Son of Late Rajak Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
12. Nezam Khan Son of Raja Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
13. Tegar Khan Son of Late Nezam Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
14. Sallu Khanum Wife of Naeem Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
15. Naeem Khan Son of Late Amanullah Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
16. Mazid Khan Son of Rafik Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
17. Bachu Khan @ Bacchu Khan Son of Late Basir Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
18. Asgar Khan Son of Wakil Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
19. Aman Khan Son of Naeem Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran



20. Azam Khan Son of Naeem Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran
21. Samsul Khan Son of Idris Khan Resident of Village - Nakardei, P.S. - Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-03-2025 Heard Mr. Anuj Kumar, learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned A.P.P. for the State.

2. The present modification application has been filed on behalf of the petitioner no. 15 for modifying the order dated 08.01.2025.

3. By the order dated 08.01.2025, the petitioners were (including petitioner no. 15) granted bail with the following conditions :-

i. Petitioner nos. 1 to 18 and 20 and 21 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 petitioner nos. 1 to 18 and 20 and 21 tampers 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 petitioner nos. 1 to 18 and 20 and 21 and in case at any stage it is found that the petitioner nos. 1 to 18 and 20 and 21 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1 to 18 and 20 and 21. 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 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 petitioner no. 15 carries three criminal antecedents but in fact, the petitioner no. 15 carries six criminal antecedents.

5. The Court also noticed Section 362 of Cr.P.C. which 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 light of the Section 362 of the Cr.P.C., the instant modification petition stands dismissed.

(Rajesh Kumar Verma, J)

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