

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10489 of 2025

In

CRIMINAL MISCELLANEOUS No.48906 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- JOGBANI District- Araria

Mustaque Dhunia Son of Late Noor Mian @ Late Noor Mohammad Resident
of Village- Fena Belahi, Ward No. 11, P.S.- Jogbani (Bathnaha), Distt.- Araria
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-02-2025 Heard Mr. Vijay Kishore Bharti, learned counsel for

the petitioner and Mr. Umesh Lal Verma, learned A.P.P. for the

State.

2. The present modification application has been filed
for modifying the order dated 04.10.2024.

3. By the order dated 04.10.2024, the petitioner was
granted bail with the following conditions :-

*1. 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.*

*2. 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.*

*3. 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 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.

4. Learned counsel for the petitioner 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 has only four criminal antecedents but in fact, the petitioner carries five criminal antecedents as mentioned in the modification petition.

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

(Rajesh Kumar Verma, J)

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