

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45719 of 2025

In
CRIMINAL MISCELLANEOUS No.90391 of 2024

Arising Out of PS. Case No.-572 Year-2023 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Gangadhar Kumar Son of Hriday Nrayan Yadav @ Kokay Yadav R/O Village- Raun, Ps- Alauli, Dist- Khagaria.
 2. Md. Jaki son of Md Islam Village- Raun, Ps- Alauli, Dist- Khagaria
 3. Pankaj Kumar son of Late Hari Ram Yadav Village- Raun, Ps- Alauli, Dist- Khagaria
 4. Ramudgar Prasad Yadav Son of Late Nunu Lal Yadav village- katib License No. 26/2020, District Registry Office, Khagaria, Dist- Khagaria
 5. Achhutanand Singh Son of Late Birendra Narayan Singh village- Assistant Investigating Officer, District Registry Office, Khagaria, Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Sharma Son of Late Bhutto Mistry @ Bhutto sharma Village- Raun, Ps- Alauli, Dist- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramadit, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-07-2025 Heard Mr. Vikramadit, learned counsel for the
petitioners and Ms. Renu Kumari, learned A.P.P. for the State.

The present modification application has been filed
for modifying the order dated 21.04.2025.

By the order dated 21.04.2025, 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 bond shall be cancelled by the Court below.

2. If the Petitioners 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 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 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.

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 clean antecedent but in reality the petitioner nos.
1 and 4 have two criminal antecedents.

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.”*

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

(Rajesh Kumar Verma, J)

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