

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53562 of 2025

In

CRIMINAL MISCELLANEOUS No.40571 of 2025

Arising Out of PS. Case No.-136 Year-2025 Thana- AMARPUR District- Banka

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1. Sanjay Yadav S/o- Late Bateshwar Yadav Resident of Dharampur P.S-
Amarpur, Dist- Banka
 2. Antu Yadav @ Antu Kumar S/o- Late Bateshwer Yadav Resident of
Dharampur P.S- Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2025 Heard Mr. Dhananjay Kumar Pandey, learned
counsel for the petitioners and Mr. Navin Kumar Pandey,
learned A.P.P. for the State.

2. The present modification application has been filed
for modifying the order dated 03.07.2025 passed in Cr. Misc.
No. 40571 of 2025.

3. By the order dated 03.07.2025, the petitioners were
granted bail with the following conditions :-

*i. 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.*

*ii. 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.*



iii. 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.

4. 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 no criminal history but in reality the petitioners carries one criminal antecedent.

5. The Court also noticed Section 362 of Cr.P.C / 403 of B.N.S.S which reads as follows :-

*“362/403 – Court not to alter judgment.
Save as otherwise provided by this Code/Sanhita 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 view of the aforesaid facts and circumstances, the instant modification petition is dismissed.

(Rajesh Kumar Verma, J)

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