

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66806 of 2025

In

CRIMINAL MISCELLANEOUS No.46208 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- Excise P.S. District- Supaul

Uma Shankar Gupta @ Uma Shankar Prasad Gupta S/o Shri Raj Narayan Prasad Gupta @ Raj Narayan Gupta Resident of Village -Saraigadh, Ward No 24, PS- Bhavtiyahi, District- Supaul Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-09-2025 Heard Mr. Shivpujan Sahay, learned counsel for the petitioners and Mr. Bishweshwar Ram, learned A.P.P. for the State.

2. The present modification application has been filed for modifying the order dated 21.07.2025 in Cr. Misc. No. 46208 of 2025 by which the petitioner was granted bail with the following conditions :-

i. 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.

ii. 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.

iii. 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.

3. 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 carries only one criminal antecedent but in fact, the petitioner carries two criminal antecedent.

4. The Court also noticed Section 362 of Cr.P.C./ Section 403 of BNSS 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.”

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

(Rajesh Kumar Verma, J)

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