

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68753 of 2025

In
CRIMINAL MISCELLANEOUS No.48387 of 2025

Arising Out of PS. Case No.-155 Year-2021 Thana- BAHERA District- Darbhanga

Rajesh Mishra @ Rajesh Baba @ Rajesh Kumar Mishra Son of Rajkumar Mishra Resident of Village- Ramauli (near laxminath Mandir), Ps- Benipur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhumala Kumari, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2025 Heard Mrs. Madhumala Kumari, learned counsel for the petitioner as well as Mr. Manoj Kumar, learned APP for the State.

2. The present modification application has been filed for modify the order dated 12.08.2025 passed in Cr. Misc. No. 48387 of 2025.

3. By the order dated 12.08.2025, 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 tamper with the evidence or the witness, 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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 petitioner submits that due to communication gap on the basis of the information furnished by the Pairvikar, it was stated in paragraph-3 of the bail petition that the petitioner has no criminal history but in fact the petitioner carries one more case other than the present one.

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

(Rajesh Kumar Verma, J)

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