

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85202 of 2025

In
CRIMINAL APPEAL (SJ) No.5042 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- SC/ST District- Madhepura

-
1. Raushan Kumar Son of Sanjay Yadav R/o vill - Jirwa, ward no. 2, P.S. - Shankarpur, Distt. - Madhepura
 2. Dhirendra Yadav @ Dheerendra Yadab Son of Dayanand Yadav R/o vill - Jirwa, ward no. 2, P.S. - Shankarpur, Distt. - Madhepura
 3. Sanjay Yadav Son of Dayanand Yadav R/o vill - Jirwa, ward no. 2, P.S. - Shankarpur, Distt. - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madan Sharma Son of Late Singheshwar Sharma R/o vill - Jirwa, P.S. - Shankarpur, Distt. - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the State : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2025 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner as well as Dr. Indihar Kumari, learned APP for the State.

2. The present modification application has been filed for modify the order dated 29.04.2025 passed in Cr. Appeal (SJ) No. 5042 of 2023.

3. By the order dated 29.04.2025, the petitioner was 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 bonds shall be cancelled by the Court below.

(2) If the petitioners 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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 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 petitioners have no criminal history but in fact the petitioners carry 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)

Ibrar//-

U		T	
---	--	---	--

