

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.294 of 2025

In
CRIMINAL MISCELLANEOUS No.64869 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SALAIYA District- Aurangabad

Awadhesh Yadav @ Ghutur Yadav @ Ghutur Son of Vishnu Dev Yadav @
Bishundev Yadav Resident of Village- Gajraj Bigha, P.S.- Salaiya, Distt.-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2025 Heard Mr. Aman Vishal, learned counsel for the

petitioner as well as Mr. Shyam Bihari Singh, learned APP

for the State.

2. The present modification application has been

filed for modify the order dated 01.10.2024 passed in Cr.

Misc. No. 64869 of 2024.

3. By the order dated 01.10.2024, 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 one criminal history but in fact the petitioner carries two more cases other than the present one.

5. The Court also notice Section 362 of Cr. P.C. it 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.”

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

(Rajesh Kumar Verma, J)

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