

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21050 of 2026

In
CRIMINAL MISCELLANEOUS No.1889 of 2026

Arising Out of PS. Case No.-947 Year-2025 Thana- NAGAR District- Vaishali

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Rakesh Kumar Harsh @ Nikhil Anand S/O Ram Babu Sah Resident of
Village- Anwarpur, Ward No. 21, P.S- Hajipur, Dist.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kishlay Ketan S/O Awadh Kishor Singh R/O Village- Sahjadpur, Andarkila,
S.D.O. Road, P.S.- Hajipur, Distt.- Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachin Kumar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-04-2026 Heard Mr.Sachin Kumar, learned counsel for the

petitioner and Mr.Zainul Abedin, learned Additional Public

Prosecutor for the State.

2. The present modification application has been filed

for modification of the order dated 19.01.2026.

3. By the order dated 19.01.2026, 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 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.

iv. Learned counsel for the petitioner is directed to produce a Demand Draft of Rs. 3 Lakhs (Rs. 3,00,000/-) in favour of the complainant at the time of furnishing bail bonds and learned court below is directed to hand over the said Demand Draft to the counsel for the complainant/opposite party no. 2 or his representative and the rest amount i.e. 5,70,000/- will be paid to the complainant within a



period of two months from the date of furnishing bail bond if the petitioner fails to pay the rest amount to the complainant/opposite party no. 2, the complainant is at liberty to move before the court below to cancel his bail bond.

4. The learned counsel for the petitioner submits that the petitioner is a fruit trader by profession and his livelihood entirely depends upon seasonal fruit business and due to the unforeseen custody during the peak season, the petitioner is presently facing acute financial hardship and is unable to arrange the remaining amount within the stipulated period.

5. The petitioner prays ten months more time to pay the remaining balance amount of Rs.5,70,000/- (Five Lakh Seventy Thousand) to the complainant in ten monthly installments.

6. The Court also noticed 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.”*

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

(Rajesh Kumar Verma, J)

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