

IN THE COURT OF PAWAN KUMAR PANDEY, PRINCIPAL SESSIONS JUDGE, MADHUBANI
(Criminal Miscellaneous No.78/2026)
(Arising out of Arer P.S. Case No. 183/2025, S.T. No. 73/2026)

Present: Pawan Kumar Pandey
Principal Sessions Judge,
Madhubani

(Criminal Miscellaneous No.78/2026)

Rahul Kumar Paswan aged about 24 years S/o Ram Lochan Paswan, r/o Village-Dumra, Baba Tola, PS-Arer, District- Madhubani.

.....Petitioner

Versus

The State of Bihar

..... Opposite Party

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Ld. Counsel for the petitioner/s : Sri Satyam Pandey, Adv.
Ld. Counsel for the State : Sri Shiv Shankar Prasad Ray, PP

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Date	Order Sheet	Remarks
20.08.2026	1. The present Criminal Miscellaneous Petition has been filed on behalf of the petitioner, seeking correction of an inadvertent clerical/typographical error occurring in the bail order dated 04.05.2026 passed in connection with ST No.73/2026, which is presently pending in the court of DASJ-IV, Madhubani. 2. Learned counsel appearing for the petitioner submits that the petitioner had preferred a regular bail petition on 23.04.2026, which was rejected by this Court vide order dated 04.05.2026. It is submitted that, while recording the facts relating to the antecedents of the petitioner, the said order inadvertently contains the observation that “the petitioner has been criminal antecedent”, whereas the specific case of the petitioner in the bail petition was that he had no criminal antecedent whatsoever. It is further submitted that the said inadvertent recording is not founded upon any material placed on record by the prosecution and the correction sought is confined only to rectification of the said clerical/typographical error without seeking any reconsideration or	

<u>Contd.....</u> 20.08.2026	alteration of the merits of the bail order. Learned counsel further submits that the petitioner does not seek review, recall or modification of the substantive portion of the order dated 04.05.2026. The prayer is confined to correcting an erroneous factual expression inadvertently appearing in the said order, so that the judicial record correctly reflects the fact pleaded and considered at the time of disposal of the bail petition. 3. Learned PP for the State fairly submits that the correction sought is confined to an inadvertent clerical/typographical error regarding the criminal antecedent of the petitioner and does not involve any alteration or review of the merits of the bail order dated 04.05.2026. He submits that the matter may be considered in accordance with law. 4. Heard and perused the relevant record, including the bail petition dated 23.04.2026 and the order dated 04.05.2026. 5. At the outset, it is necessary to notice the statutory position. Section 403 of the BNSS provides that, save as otherwise provided by the Sanhita or any other law for the time being in force, no Court, after signing its judgment or final order disposing of a case, shall alter or review the same except for correction of a clerical or arithmetical error. 6. Upon consideration of the submissions advanced on behalf of the parties and perusal of the record, it appears that the correction sought is confined to an inadvertent clerical/typographical error in recording the criminal antecedent of the petitioner. The order dated 04.05.2026 is not sought to be reviewed, recalled or modified on merits. The expression “the petitioner has been criminal antecedent” appears to be an inadvertent error and is liable to be corrected so as to reflect the factual position pleaded before the Court. Such correction does not amount to review of the order but is	
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<u>Contd.....</u> 20.08.2026	only rectification of a clerical error. 7. Accordingly, the present miscellaneous petition is allowed. 8. The expression “the petitioner has been criminal antecedent” occurring in Paragraph No.3 of the order dated 04.05.2026, passed in connection with Arer P.S. Case No. 183/2025, S.T. No. 73/2026, shall be read as and substituted by the expression “the petitioner has no criminal antecedent.” 9. It is made clear that the aforesaid correction is confined strictly to rectification of the inadvertent clerical/typographical error. 10. Let the necessary correction be carried out in the original record, in accordance with law. Dictated Sd/- Principal Sessions Judge Madhubani Memo No._____/2026, Dated._____ Copy of order forwarded to DASJ-IV, Madhubani for information and needful. Principal Sessions Judge Madhubani	
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