

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29012 of 2014

Arising Out of PS.Case No. -165 Year- 2009 Thana -MAJORGANJ District- SITAMARHI

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Sri Niwas Singh, son of late Raghunath Singh, resident of village -
Majhagarh, P.O. and P.S. Majhagarh, District - Gopalganj Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN

SHARMA

ORAL ORDER

3 09-01-2015

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Mejorganj P.S. Case No. 165 of 2009 registered for the
offences punishable under Sections 420, 467, 468 and 471 of the
Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, 297 persons were added in the Voter List of
Narha PACS for PACS Election, 2009 by committing forgery.
The voter list in which names of 297 voters have been added
neither bears the signature of Block Cooperative Extension
Officer nor the Election Officer. The list bears the signature of
Sunil Kumar Singh, Social Worker, Narha PACS and Block
Agriculture Officer and the petitioner being the Incharge Assistant
of District Cooperative Office, Sitamarhi has been made accused
subsequently.

Submission at the bar is that the petitioner has not

committed any forgery. He is not named in the F.I.R. In the F.I.R., one Sunil Kumar Singh and one Incharge Clerk, District Cooperative Office, Sitamarhi has been named and the petitioner at the relevant time was Clerk in the District Cooperative Office, Sitamarhi. But the file of the present PACS was never allotted to him and the said file was dealt with by Incharge, Lalan Prasad, the Office Clerk of District Cooperative Office, Sitamarhi. The District Cooperative Office, Sitamarhi has no role in publishing the voter list and the petitioner without any basis has been implicated to which the learned A.P.P. opposes.

In the facts and circumstances stated above and considering that the petitioner was not Incharge of PACS file as per submission, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Mejorganj P. S. Case No. 165/09, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J.)

Vats/-

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