

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36247 of 2016

Arising Out of PS.Case No. -404 Year- 2015 Thana -KOTWALI District- PATNA

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1. Satya Narayan Sah @ Satya Narayan Mahto S/o Chandeshwar Mahto,
R/o Sitamarhi Gaushala Chouk, P.S. - Sitamarhi, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Anil Kr.Singh-I, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Kotwali P.S. case No.404 of 2015 instituted for the offence under Sections 419, 420, 466, 468, 474 of the Indian Penal Code, pending in the court of Chief Judicial Magistrate, Patna.

Allegation is that the accused persons including the petitioner committed fraud and forgery in the record of Patna High Court for purposes of obtaining bail.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.5.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been

made accused due to mistake of fact. Two bail applications have been filed on behalf of Bhagya Mahto @ Bhagya Narain Mahato vide Cr.Misc.No.14507 of 2013 and Cr.Misc.No.14760 of 2013. The present petitioner had affidavited the second bail application of the aforesaid Bhagya Mahto. This fact was not disclosed in paragraph 2 of any of the bail petition of Bhagya Mahto that two separate bail application have been filed on behalf of him. At best, an offence under Section 192 of the I.P.C. is made out. The same is bailable.

On behalf of the State, it is submitted that it is one of the cases which has led to rampant filing of bail applications by making a false affidavit and suppression of facts of the case. On the direction of a co-ordinate Bench of this Court an enquiry was held and thereafter the present F.I.R. was instituted. The said enquiry was made by the Registrar General of the Patna High Court. In the social interest as well as in the interest of justice, the petitioner should not be granted bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected.

(Sudhir Singh, J)

Narendra/-

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