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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22460 of 2016

Arising Out of PS.Case No. -80 Year- 2016 Thana -JAGDISHPUR District- BHAGALPUR

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1. MINHAZ ALAM @ MD. MINHAJ ALAM son of Late Shamsul Haque, Resident of village- Kasimpur, P.S.- Goradih, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binay Kumar
For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-05-2016 Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 420, 467, 468, 470, 471, 504 of the Indian Penal Code.

The prosecution case is that the petitioner applied for allocation of PDS dealership on compassionate ground after death of the father of the petitioner who was a PDS dealer but he submitted a wrong date of birth of his father as 05.10.1961 whereas his father has been PDS dealer since 1965.

It is submitted by learned counsel for the petitioner that maliciously the present prosecution has been lodged. The learned Chief Judicial Magistrate, Bhagalpur entrusted an enquiry to the police. The sub-inspector of police submitted a report that father of the petitioner was a PDS dealer who died and after his death the petitioner applied for

getting the allocation of PDS dealership. The date of birth of the petitioner is 10.07.1993 as he passed the examination of Fokania in 2009. It is further submitted that report nowhare stipulates about any forgery made by the petitioner and even if the date of birth of the father of the petitioner was wrongly mentioned, it hardly could have enhanced the claim of the petitioner. Moreover it appears to be a bona fide mistake.

Considering the nature of accusation, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur(Goradih) P.S. Case No. 80 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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