

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13566 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -PATLIPUTRA District- PATNA

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Vivek Kumar, son of Sri Hira Lal Gupta, Owner of Baby Bird Hatchery,
Resident of Mohalla:- Jagriti Nagar, Ashiana Road, Khajpura, District-
Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. A.Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-04-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged to have produced forged bill before the General Manager, District Industries Centre, Patna for the purposes of grant of subsidy, but it is submitted by the learned counsel appearing on behalf of the petitioner that no amount of subsidy was paid to him. According to him, the petitioner has not been in any way financially benefited on the basis of the alleged forged bill produced by him.

Learned Addl.P.P. appearing on behalf of the State of Bihar though has opposed the prayer for anticipatory bail, but has not been able to dispute the aforesaid submissions.

In the aforesaid facts and circumstances and also taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on his behalf for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 50,000/- with two sureties of the like amount each to the satisfaction of Smt. Divya Mita, learned Judicial Magistrate-1st Class, Patna in connection with Patliputra P.S. Case No. 23 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

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(Birendra Prasad Verma, J)