

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38227 of 2016

Arising Out of PS.Case No. -61 Year- 2015 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

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Kedar Prasad @ Upendra Kumar, son of Late Ragho Prasad, Resident of
Village- Yaswantpur, P.S.- Chandi, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party : Mr. Binod Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-10-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Chhabilapur (Rajgir) P.S Case No. 61 of 2015 registered for the
offences punishable under Sections 419, 420, 467, 468, 471 of the
Indian Penal Code

On the basis of complaint lodged by Kusum Devi,
the sister-in-law of the petitioner, this case has been lodged on the
basis of inquiry report submitted by Dy.S.P. Lokayukt, Vigilance
Unit, Bihar Patna, with allegation that the petitioner was working
as teacher on the basis of certificate of his younger brother
Upendar Kumar and was doing service in the name of Upendar
Kumar.



Submission is of false implication and that the petitioner himself is the real Upendar Kumar and he has doing his service in his own name. He is not doing service on fake papers, but without any proper inquiry this false case has been lodged by the Block Education Officer, Rajgir, at the direction of the Office of Lokayukt Bihar, Patna. The petitioner has passed the examination in his own name Upendar Kumar and on the Admit Card his photograph is pasted, all the documents goes to reveal that petitioner is real Upendar Kumar, and he was not doing service in the name of Upendar Kumar. Due to partition dispute of ancestral property the sister-in-law has filed the application before Lokayukt Bihar, Patna and without any proper inquiry direction has been issued to take proper action, resulting, the petitioner is suffering in custody since 01.03.20016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail by submitting that during investigation, the informant as well as other witnesses in para 6, 7 & 8 of the case diary have supported the prosecution version

In the facts and circumstances stated above, considering that Chargesheet has already been submitted and

there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-II, Biharsarif, Nalanda, in connection with Chhabilapur (Rajgir) P.S. Case No. 61 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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