

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42164 of 2016

Arising Out of PS.Case No. -553 Year- 2013 Thana -PIRBAHOR District- PATNA

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1. Ram Narayan Brahmchari S/o late Ram Ashray Lal
2. Kishore Kunal S/o Shri Ram Narayan Brahmchari
Both are resident of Mohalla- Sidheshwar Nagar, Mainpura Devi Asthan,
P.S. Patliputra District- Patna Petitioners

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate
Mr. Rajeev Ranjan, Advocate
For the Opposite Party No-2 : Mr. Rajesh Ranjan, Advocate
Mr. Shakti Suman Kumar, Advocate
For the State : Mr. Matloob Rab,-APP-34

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 28-10-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with
Patliputra P.S. Case No. 553 of 2013 registered for the offences
punishable under Sections 419 and 420 of the Indian Penal Code.

Allegedly, the petitioners filed a petition for wrongful
gain in Patliputra P.S. Case No. 151 of 2013 after forging the
thumb impression of the informant Janki Devi. When she came to
know about the same, lodged this case.

Submission is of false implication and that the
petitioners have been made victim of the circumstances, they are
practicing advocate, the petitioner no.1 is practicing at Civil Court

Patna whereas the petitioner no. 2 is practicing in this court. No forgery was committed by the petitioners and only with a view to implicate them the informant has lodged this false case resulting they are suffering in custody since 22.8.2016.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioners are habitual in forging the signature and creating documents in the court. They are facing inquiry under Section 340 of the Cr.P.C. in Misc. Case No. 3 of 2015 for forging the records of Complaint Case No. 1065 C of 2013 instituted by one Meena Kumari and the inquiry is at final stage. The Bihar State Bar Council has initiated disciplinary proceeding bearing D.C. Enquiry No. 8 of 2014 against them which is still pending for adjudication before the Disciplinary Committee. This court has called for a report from the learned District Judge, Patna and has also requested the Bihar State Bar Council to look into the allegation against the petitioners. They have criminal antecedent as they are involved in so many cases and as such, they do not deserve sympathetic consideration.

In the facts and circumstances state above, considering the nature of allegation and further the period of custody, the petitioners above named are directed to be released on

bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Patna in connection with Pirbahore P.S. Case No. 553 of 2013 (G.R. No. 7438 of 2013), subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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