

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.36990 of 2016**

Arising Out of PS.Case No. -120 Year- 2016 Thana -JAHANABAD District- JEHANABAD

1. Nand Kishor Mistri @ Nandkishor Mistry, Son of Late Shiv Narayan Mistri, Resident of Village- Ramdeochak, P.S.- Jehanabad (Korauana O.P.), District-Jehanabad. At present: Village- Mastipur, P.S.- Bodh- Gaya, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Opposite Party/s : Mr. Sri Yogendra Kumar

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**

**SHARAN SINGH**

**ORAL ORDER**

2 19-09-2016

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jehanabad Police Station Case No. 120 of 2016, disclosing offences under Sections 406/420/466/467/468/472/474/323/504/34 of the Indian Penal Code.

The petitioner is said to be the grandfather of the informant.

The First Information Report has been registered under Section 156 (3) of the Code of Criminal Procedure, 1973, on the basis of a complaint petition filed by the informant before the Chief Judicial Magistrate, Jehanabad.

Allegedly, co-accused Devendra Mistry kept on

drawing pension amount fraudulently impersonating himself as Mukutdhari Mistry, who died after serving as an Assistant Teacher.

Learned Counsel for the petitioner has submitted that the only allegation which has been leveled against the present petitioner is that he helped co-accused Devendra Mistry in drawing the said pension amount fraudulently. It has also been submitted that the petitioner is 94 years of age.

Considering the age of the petitioner and the nature of accusation, this application is allowed.

Let the petitioner, Nand Kishor Mistri @ Nandkishor Mistry, in the event of his arrest or surrender before the Court below within six weeks, be released on 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, Jehanabad, in connection with Jehanabad Police Station Case No. 120 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two

consecutive occasions, his bail bond shall be liable to be cancelled.



Prabhakar Anand/-

**(Chakradhari Sharan Singh, J.)**