

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8858 of 2016

Arising Out of PS.Case No. -45 Year- 2014 Thana -PURAINI District- MADHEPURA

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Arun Kumar Singh, son of Tarni Prasad Singh, resident of Village - Chakla Basa, P.O. - Khada, P.S. - Udakishunganj, District - Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

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09-03-2016

Heard the parties.

The petitioner apprehends his arrest in connection with Puraini, P.S. Case No. 45 of 2014 for offences punishable under sections 467, 468, 471, 420 and 120(B) of the India Penal Code.

This is the second attempt by the petitioner to seek anticipatory bail and it is the argument of Mr. Nafisuzzoha, learned counsel appearing for the petitioner that the opinion formed by the Bench on the earlier occasion is in absence of certain materials which are relevant for consideration. It is argued that the prayer was rejected simply on ground that the name of the father of the petitioner was not found to be correct and which has been treated as fabrication. He submits that the allegation of fabrication is yet pending consideration before the court below. He submits that one of the other co-accused namely, Shyama Choudhary whose prayer was also rejected along with this petitioner by a common order passed on the

previous occasion, moved this Court in Criminal Miscellaneous No. 54887 of 2015 and this Court appreciating the circumstances, was pleased to grant bail to her. He submits that whereas in the case of Shyama Choudhary, the allegation is that though she had failed in the test and yet she was appointed, in so far as the case of the petitioner is concerned, it is simply on the incorrectness in the name of the father that he is facing prosecution on allegations of fabrication.

Having heard learned counsel for the parties and considering the circumstances existing as well taking note of the order passed by this Court in the case of Shyama Choudhary (supra) my opinion is that the petitioner has made out a case for indulgence in the special circumstances of this case and let the petitioner, namely, Arun Kumar Singh in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhepura at Udakishunganj in connection with Puraini, P.S. Case No. 45 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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