

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34924 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Anil Kumar Sinha Son of Late Ram Padharath Sinha, then B.D.O., Mahua
At Present R.M.S. Colony Kankarbagh, P.S. Kangarbagh, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Mahua P.S. Case No. 111 of 2016 registered for the offence

punishable under Sections 467, 468, 471/34 of the Indian Penal

Code and Section 14 of the Foreigners Act, 1946.

The present First Information Report has been

lodged in the light of Memo No. 1802/Foreign Branch dated

21.03.2016 and letter No. 2791 dated 17.03.2016 issued by Under

Secretary, Government of Bihar relating to Mauritius Foreign

lady, Puja Mahavir Padhya, who being foreigner got Indian Voter

Identity Card. During investigation it transpired that she got

married with Dr. Dhiraj Kumar Singh on 25.02.2013 and after



marriage she lived with her husband. Informant further stated that name of Puja Mahavir Padhya was included in the voter-list by Amit Kumar, BLO, 158 Rajkiya Kanya Middle School, Mahua and thereafter the then Circle Officer has issued residential certificate on 18.12.2013 on the basis of which Voter Identity Card of Puja Mahavir Padhya was issued by the Block Development Officer, Mahua (petitioner) without verifying her identity, which is violative of Articles 5 and 11 of the Constitution of India.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and on the basis of the voter-list issued by co-accused Amit Kumar, B.L.O. and residential certificate issued by co-accused Dhiraj Kumar, Circle Officer, petitioner, who was the then B.D.O., Mahua, has issued Voter Identity Card. He submits that investigation is complete at the level of the B.L.O. and the Circle Officer and the B.L.O. has since been granted the privilege of anticipatory bail by the learned Court below itself. It has been submitted by the learned counsel for the petitioner that petitioner has no criminal antecedent and being Government servant, he undertakes to cooperate with the investigation and also undertakes not to tamper with the evidence. It has also been submitted by the learned counsel for the petitioner

that Section 14 of the Foreigners Act, 1946 is not applicable, as it deals with violation of conditions of Visa.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since petitioner is a Government official and undertakes to cooperate with the investigation and not to tamper with evidence, and there is no chance of his absconding, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 111 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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