

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38225 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -C.B.I CASE District- PATNA

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Bhola Kumar Son of Shivnandan Prasad, R/o Village- Warisaliganj Main Road, Near Electric Office, P.S.- Warisaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar .
2. The C.B.I , Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Sri Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in connection with CBI/SCB P.S. Case No. RC 09220 178002 of 2017 instituted for the offences under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code

It appears that a Police case, vide Warisaliganj P.S. Case No. 195 of 2017, was registered under sections 467, 468, 471, 472, 414, 419, 420/34 of the Indian Penal Code against this petitioner and his two brothers. The full brother of this petitioner filed Criminal Misc. No. 51540 of 2014 for bail and in course of hearing, it was found that the brother of this petitioner had committed wrong by filing several interlocutory applications



misleading this Court.

The Hon'ble Court, vide order dated 19.04.2017, directed the Registrar General of this Court to lodge a formal complaint with the Superintendent of Police, Special Crime Branch, Patna and accordingly, the present case was registered.

The learned counsel for the petitioner submits that this petitioner has been made accused only on account of being a full brother of accused Shankar Kumar @ Shankar Sonar, who allegedly misrepresented the Court and obtained provisional bail and got the period of provisional bail extended on the basis of forged and fabricated documents in collusion with his lawyer, Advocate's Clerk and other co-accused. This petitioner had no role at all in facilitating his brother in obtaining provisional bail and so, no offence against this petitioner is made out.

The learned A.P.P. on the other hand opposed the submission, but he concedes that the main allegation of committing fraud and forgery is against Shankar Kumar @ Shankar Sonar, who is full brother of this petitioner.

Considering the allegation, facts and circumstances, as stated above, this application for anticipatory bail is allowed and the above named petitioner, in the event of his arrest or surrender in the Court below within six weeks from the date of



receipt/production of copy of this order, shall 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 the learned 7th Additional Sessions Judge, Patna/Successor Court in connection with CBI/SCB P.S. Case No. RC 09220 178002 of 2017, subject to condition as laid down u/S 438(2) of the Cr.P.C.

(Sanjay Kumar, J)

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