

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49339 of 2017**

Arising Out of Complaint Case No. -123 Year- 2017 District- PATNA

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S. M. Sanaullah aged about 65 Years, S/o Late Haji Badruddin, R/o  
Mohalla- Pathar Ki Masjid Dargah Road Mahendru, P.S.- Sulatanganj,  
District- Patna.

.... .... Petitioner

Versus

1. The State of Bihar.
2. Pramod Kumar Not Known, Office Clerk, Sub Judge VI, Civil Court  
Patna City, District- Patna.

.... .... Opposite Parties.

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**Appearance :**

For the Petitioner : Mr. Vikramdeo Singh, Advocate  
Mr. Kamal Kishore Singh, Advocate  
For the State : Sri Amit Kumar Rakesh, APP  
For the Patna Civil Court : Mr. Mrigank Mauli, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

3      09-11-2017                      Heard learned counsel for the petitioner and learned  
counsel appearing for the informant Pramod Kumar, a clerk in  
the office of Patna City Civil Court.

The petitioner seeks pre-arrest bail in connection with  
Complaint Case No. 123 of 2017 C.B. Case No. 4 of 2017  
under Sections 258, 259, 260, 418, 420 and 120-B of the Indian  
Penal Code.

It is submitted by the learned counsel for the  
petitioner that from the report of the Treasury Officer, Patna, it



does not appear that the court fee stamps used by the co-accused Baijnath Prasad Singh are forged and fabricated. Further, the co-accused Baijnath Prasad Singh has already been granted pre-arrest bail by the court below. He submitted that there is lack of material to show that the alleged stamps were sold by the petitioner. He submitted that there is no proper inquiry into the material and such issue could have been investigated by the police after taking report from the forensic science laboratory.

On the other hand, learned counsel appearing for opposite party no. 2 submitted that the Treasury Officer, Patna in his report stated that the three court fee stamps of Rs.1000/- were not issued by the Treasury Office, Patna. He submitted that in view of the gravity of the offence, the petitioner is not entitled to be granted pre-arrest bail.

Regard being had to the facts and circumstances of the case, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- ( Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna City in Complaint Case No. 123 of 2017 C.B. Case No. 4 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or



surrender before the court below within six weeks from today.

**(Ashwani Kumar Singh, J.)**

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