

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7129 of 2017

Arising Out of PS.Case No. -272 Year- 2016 Thana -KOTWALI District- PATNA

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Shri Ram Sharma, S/o Late Bijay Kumar Singh, Resident of Village-
Akhtiyarpur, P.S.+P.O.- Paliganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Prakritita Sharma. Advocate

For the Opposite Party/s : Smt. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 28-02-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 272 of 2016 for the offences punishable under sections 420, 465, 468 and 471 of the I.P.C.

Allegedly, the petitioner was selected as contractor in Masaurhi Block under Midday Programme and he submitted eleven vehicles out of which insurance papers of two vehicles were forged.

Submission is of false implication and that the petitioner is not the owner of the vehicle, the owners of the



vehicles have submitted insurance papers and those papers were forwarded by the petitioner, no offence as alleged is made out against the petitioner and the petitioner has unnecessarily been made accused in this case, the petitioner was not aware regarding the forged documents, no responsibility could be fasten upon the petitioner for the wrong which has not been done by him, the FIR has been lodged on the direction of the District Magistrate, Patna, whereas, from perusal of the decision taken in the meeting dated 19.05.2016 it would be evident that there was no such direction for registration of the FIR against the petitioner rather contract of the petitioner was rescinded and direction was issued for issuance of re-tender for selection of the contractor in the Masaurhi Block, there is no allegation that the petitioner has created any forged documents or manufactured any documents and submitted to get the contract, therefore no offence under sections 468 and 471 of the I.P.C. is made out against the petitioner, the petitioner has not received any property and therefore section 420 of the I.P.C. is also not applicable and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above,



considering that the petitioner is not the owner of the vehicles and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a 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. C.J.M. Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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