

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26884 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -KOTWALI District- PATNA

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1. Ashok Kumar Gupta S/o Raja Ram Sah Resident of Village - Parsa Bazar, P.S. - Parsa Bazar, District - Patna.
 2. Tarun Kumar S/o Anil Yadav @ Anil Prasad Resident of Village - Dubhara, P.S. - Dhanarua, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 02.03.2017 in connection with Kotwali P.S. Case No. 94 of 2017 registered for the offence punishable under Sections 406, 417, 418, 419, 420, 467, 468, 471, 475 and 120(B) of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that one Gyan Prakash was running an institute wherein various courses were being offered and upon completion of the same, certificates were granted to the students. The further allegation of the informant is that he was enrolled for the course of Bachelor of



Fine Arts in the institute of the said Gyan Prakash and after completion of the same, he was granted a certificate which turned out to be a forged one. It is further stated that when he went to the said Gyan Prakash for refund of the money on account of the said certificate turning out to be a forged one, he refused to return the money and at this juncture, his employees, namely, Harshvardhan Kumar @ Chhotu and 7-8 others stated that many students have completed the course and taken the degrees.

It is submitted by the learned counsel for the petitioners that they are innocent, not named in the First Information Report and their names surfaced only on the confessional statement of one Harshvardhan Kumar @ Chhotu and said Harshvardhan Kumar @ Chhotu has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 29233 of 2017 on 01.07.2017. He further submits that charge-sheet has already been submitted and the petitioners are ready to cooperate with the trial.

However, learned A.P.P. for the State submits that the petitioners were also found to be involved in giving forged certificates, hence, opposes the prayer for bail.

Considering the facts and circumstances and the



materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 94 of 2017, subject to the condition that one of the bailors of each of the two petitioners would be a close relative having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating relationship with the petitioners and that the petitioners will cooperate during trial and not in any manner influence any of the witnesses.

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(Nilu Agrawal, J.)

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