

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14646 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -KHODABANDPUR District- BEGUSARAI

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Shiv Shankar Mahto @ Shiv Shankar Mahton, S/o Anandi Mahto,
Resident of Village Samsa, P.S. Naokothi, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priya Gupta

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in Khodawandpur Police Station Case No. 105/2017 (G.R. No. 199/2017) instituted for the offences punishable under sections 467, 468, 471, 420, 120(B) and 34 of the Indian Penal Code.

The allegation against this petitioner is that he was one of the members of Appointment Committee in the capacity of Panchayat Secretary and he had no role in checking the documents of candidate which were allegedly found forged.

It has been submitted that there is no specific allegation against this petitioner. The petitioner is neither named in the FIR nor he has any antecedent. Out of FIR named accused, three accused, against whom allegation is that they got job on the



basis of the forged and fabricated document, have been allowed anticipatory/regular bail by different coordinate Benches of this Court in Cr. Misc. Nos. 60117, 58671 and 58188 of 2017. The case of the petitioner stands on similar footing and so he also deserves anticipatory bail.

The learned counsel for the opposite party on the other hand opposed the submission but concedes that the other co-accuseds have been allowed bail.

Considering the case of petitioner stands on similar footing, facts and circumstances, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Khodawandpur Police Station Case No. 105/2017 (G.R. No. 199/2017), shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two



consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Kumar, J)

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