

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67832 of 2018

Arising Out of PS. Case No.-439 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Shamsuzzama @ Jhunna @ Jhunna Khan, Son of Syed Nashir Ahmad,
Resident of Ward No. 29, Behind Sadar Hospital, Belisaray, P.S- Motihari
Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
420,467,468,471,427,473 and 120B of the IPC.

The prosecution case as per the written report of Anand
Kumar, Inspector-cum-SHO, Motihari Town Police Station is to
the effect that co-accused Lal Saheb alias Tarun Kumar was
arrested earlier in connection with Pipra P.S. Case No. 173 of
2018 registered under Section 414 and 120B of IPC and
Sections 25(1-B, a 26 and 35 of the Arms Act as well as in
Motihari Town P.S. Case No. 1 of 2018. Said Lal Saheb alias
Tarun Kumar was remanded to judicial custody but on the basis
of forged school transfer certificate, he got his case transferred to



Juvenile Justice Court. Thereafter, he committed the offence. It is alleged against the petitioner that he facilitated the issuance of forged certificate of the school mentioning therein the wrong date of birth of the accused which resulted into release of said accused by the Juvenile Justice Board.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Lal Saheb alias Tarun Kumar and his father who got the certificate produced before the court. This is not the case of the prosecution that the certificate bears the signature of the petitioner and it suggests active participation of the petitioner in issuance of the said certificate. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that thrust of accusation is against co-accused Lal Saheb alias Tarun Kumar, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, East



Champan at Motihari in connection with Motihari Town P.S.
Case No. 439 of 2018 subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

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