

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80329 of 2018

Arising Out of PS. Case No.-41 Year-2018 Thana- CIVIL LINE District- Gaya

Shiv Shankar Prasad Son of Satya Narayan Prasad Resident of village-
Nauranga, P.S.-Mofassil, District-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Civil Lines Police Station Case No. 41 of 2018, disclosing offences punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

Allegedly, faking the names of Akhilesh Mishra (informant) and Sanjeev Mishra, another person claiming to be Sanjeev Mishra, has executed power of attorney in favour of co-accused Lalji Yadav. The petitioner is a witness to the sale deed of power of attorney.

Learned counsel for the petitioner has submitted that there is no allegation in the First Information Report, that based on said power of attorney any transaction has been made. It has



also been submitted that the petitioner is merely a witness to the power of attorney and no criminal liability can be attached to him, even if the allegation made in the First Information Report is treated to be correct.

I find some substance in the submission advanced on behalf of the petitioner, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the Court below within six weeks, 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 the learned Chief Judicial Magistrate, Gaya in connection with Civil Lines Police Station Case No. 41 of 2018 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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