

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63679 of 2018

Arising Out of PS. Case No.-280 Year-2017 Thana- PIRBAHORE District- Patna

=====

Mritunjay Kumar @ Tinku Kumar @ Tinku, son of Sri Shankar Prasad Karn,
resident of Pushpanjali Niwas, Salimpur Ahra, P.S. Kadamkuan, Town and
District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 15-05-2019 Heard Sri Rajesh Mohan, learned counsel for the

petitioner and Dr. Indihar Kumari, learned Addl. Public

Prosecutor.

The sole petitioner, apprehending his arrest in
Pirbahore P.S. Case No. 280 of 2017 registered for offence
under Sections 419, 420, 467, 468, 471 of the Indian Penal
Code, has prayed for grant of bail, in the event of his arrest or
surrender.

It was submitted by learned counsel for the
petitioner that the informant of the present case is co-accused
with the petitioner in Pirbahore P.S. Case No. 233 of 2017 dated
18-05-2017 (Annexure-4) relating to same accusation. In the
said F.I.R., petitioner was arrayed as accused along with



proprietors of (i) M/S Padma Logistic, Purnia (ii) M/S Rajdhani Trading house, Patna (iii) M/S Tulsi, Patna (iv) M/S Manisha Enterprises, Patna and others. In the said case, after being made accused, the petitioner approached this Court for grant of anticipatory bail, in which he was granted anticipatory bail vide order dated 17.11.2017 passed in Cr. Misc. No. 48711 of 2017 (Annexure-4/A). He submits that the co-accused of said case i.e. Pirbahore P.S. Case No. 233 of 2017 subsequently filed the present F.I.R., relating to same accusation. It was argued by learned counsel for the petitioner that besides the informant of the present case, his father has also filed separate F.I.R. Accordingly, learned counsel for the petitioner submits that the informant, who is already accused along with the petitioner in Pirbahore P.S. Case No. 233 of 2017, maliciously has filed the present case.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for bail. She has also drawn my attention to Annexure A/1 to the 2nd supplementary affidavit and tried to persuade the Court that there is overwriting in the said petition and date has been changed.

Fact remains that the said application i.e. Annexure-A/1 was filed before the officer incharge, Gandhi Maidan Police



Station, Patna for the purposes of issuance of certified copy of the complaint petition, which was filed by the petitioner.

The Court is of the opinion that at the moment, there is no need to examine Annexure-A/1, since the informant of the present case is himself accused along with petitioner almost in the same transaction.

In view of facts and circumstances, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Mritunjay Kumar @ Tinku Kumar @ Tinku be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case No. 280 of 2017 (G.R. No. 3571 of 2017) subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J.)

nawalkrs/Mohan

U		T	
---	--	---	--

