

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12277 of 2020

Arising Out of PS. Case No.-617 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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RAMSOGARATH YADAV S/o- Late Bindeshwar Yadav Resident of Village-
Baira, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain, Adv.
For the Opposite Party/s : Mr.Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 07-09-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Motihari Town P.S. Case No. 617 of 2017 (G.R. No. 5553 of 2017) registered under section 420, 467, 468, 471, 472 and 34 of the Indian Penal Code.

As per allegation in the FIR, the informant who happens to be a clerk in Motihari Civil Court, gave information to the effect that accused Binesh Kumar had submitted an application for his appointment along with his educational certificate and a fake appointment letter purportedly issued by the Patna High Court.



It is submitted by learned counsel for the petitioner that an FIR was registered against Binesh Kumar and other unknown persons. The petitioner was not named in the FIR. It is further submitted that in course of investigation, the confessional statement of the said Binesh Kumar was recorded, wherein he named another co-accused, namely, Bisheshwar Yadav. The said Bisheshwar Yadav has also been enlarged on regular bail. The petitioner was not named by the FIR named accused Binesh Kumar. It is submitted that the FIR having been registered in September, 2017 the name of the petitioner transpired in course of investigation in May, 2019 in the confessional statement of the aforesaid Bisheshwar Yadav. Except the confessional statement of co-accused made before the police, there is no other material against this petitioner. It is further stated that soon after the name of petitioner transpired, in 2019 itself the petitioner moved for grant of anticipatory bail. He has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the FIR named accused Binesh Kumar in his statement did not take the name of the



petitioner, the name of the petitioner transpired in the confessional statement of co-accused made before the police and the petitioner not having any criminal antecedent, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Motihari Town P.S. Case No. 617 of 2017 (G.R. No. 5553 of 2017), he shall 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 C.J.M., East Champaran at Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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