

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.27525 of 2020**

Arising Out of PS. Case No.-436 Year-2019 Thana- DHAKA District- East Champaran

JAY KRISHNA KUMAR @ JAI KISHAN KUMAR Son of Chhathu Prasad Singh Resident of Village - Nirpur, P.S. - Chautham, District - Khagaria. Presently posted as Battan Pat Chalak (Switch Board Operator) at Electric Power Sub Station, Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nouth Bihar Power Distribution Company, Ltd. Muzaffarpur. Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate  
For the Opposite Party/s : Mr.Aditya Narayan Singh No. 1 APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      26-11-2020              Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Dhaka P.S. Case No. 436/2019, G.R. Case No. 1609 of 2019 registered for the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per prosecution story the petitioner had applied for the post of Switch Board Operator at Electric Power Sub-Station, Dhaka. It



is now alleged that ITI certificate provided by the petitioner was a forged document and in this connection F.I.R. has been lodged.

Learned counsel for the petitioner submits that the petitioner had submitted photocopy of marksheet issued by ITI College, Alsahwa, Forbisganj at the time of his initial appointment and at this stage in course of verification without giving him any opportunity to show cause his services has already been terminated.

Learned counsel submits that the certificate provided by the petitioner is genuine and has he been given an opportunity to explain, he would have definitely explained it to the authorities.

Be that as it may, it is submitted that in similar circumstance though in another case a learned coordinate Bench of this Court has granted privilege of anticipatory bail vide Cr. Misc. No. 8375/2020 (Annexure '2').

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner, considering the facts and circumstances of the case wherein his employment has already been terminated and the petitioner takes a plea that he was not given any opportunity to explain it, therefore the



allegation of providing forged certificate is not correct, without going into much detail in such contention, this Court feels inclined to grant privilege of anticipatory bail to the petitioner, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Dhaka P.S. Case No. 436 of 2019, G.R. Case No. 1609 of 2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana, Dhaka, East Champaran at Motihari, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

