

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60596 of 2019

Arising Out of PS. Case No.-382 Year-2015 Thana- ARARIA District- Araria

Hasibur Rahman @ Raja, Son of Md. Hasim, Resident of Village-Islam
Nagar, W.N.-27, P.S.-Araria, District-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 16-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard Mr. Kundan Kumar Singh, learned counsel
for the petitioner and Mr. Uma Shankar Prasad Singh, learned
APP for the State.

The present application has been preferred on
behalf of the petitioner for grant of bail in connection with a
case registered for the offences punishable under Sections 420,
467, 468 and 471 of the Indian Penal Code.

The prosecution case, as per the written report of
Krishnendu Kumar, District I.T. Manager, Araria submitted to
the Station House Officer, Bairgachi O.P., Araria Police Station,
is to the effect that on 30.07.2015, a secret information was
received in Janta Darbar of District Magistrate, Araria regarding
preparation of forged and fabricated income certificate at



Bairgachhi Chowk, consequently, a raid was laid by the informant and altogether 119 forged fabricated income certificates in the name of different persons in soft copy found in the laptop were seized. Subsequently, one person namely, Abdul Karim was apprehended from the spot, who disclosed the name of other co-accused persons, including the petitioner.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner and the name of the petitioner sprang up on the statement of co-accused Abdul Karim, who has been granted bail by Co-ordinate bench of this Court vide order dated 05.01.2016 passed in Cr. Misc. No. 44324 of 2015. The petitioner is languishing in custody since 30.01.2017. Though, the petitioner is accused in eight other cases but except two, he is on bail in six cases and investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up on the statement of co-accused Abdul Karim.

Considering the fact that the main accused has been granted bail, period under custody and investigation already being concluded, let the petitioner above named be released on



bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachi) P.S. Case No. 382 of 2015.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachi) P.S. Case No. 382 of 2015.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

However, the learned Court below will be at liberty



to cancel the bail bonds of the petitioner, if the petitioner gets substantially involved in some serious nature of offence or defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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