

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78847 of 2019

Arising Out of PS. Case No.-558 Year-2019 Thana- MADHEPURA District- Madhepura

Badal Kumar @ Badal Kumar Singh Son of Gajendra Prasad Singh Resident
of Village - Gauripur Singheshwar, Ward No. 8, Shivpuri Colony, P.S.-
Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-03-2020 Heard Mr. Mritunjay Kumar for the petitioner
and Mr. Md. Mushtaque Alam for the State.

The petitioner, who is in custody since 19.09.2019, seeks bail in connection with Madhepura P.S. Case No. 558 of 2019 dated 24.06.2019 instituted for the offences under Sections 420, 406, 467, 468 and 471 of the Indian Penal Code.

The informant, who was authorized to sell e-tickets in Madhepura Civil Courts has alleged that he had entrusted the task of selling such tickets over the counter to the petitioner on daily wage basis. In course of transaction, the informant received information that two of the e-tickets sold to the parties did not have any corresponding entry in the records. When the matter was attempted to be inquired into, the petitioner was alleged



to have run away from his counter.

Mr. Mritunjay Kumar, learned advocate for the petitioner has submitted that the information on the basis of which the present case has been lodged was received by the informant much earlier but for some reason or the other, which is not explicable, the case was lodged much later and that also with vague accusation. There is nothing in the FIR to indicate as to which e-tickets were found to be forged and whether those forged e-tickets were sold by the petitioner.

The learned advocate for the petitioner has drawn the attention of this Court to the fact that apart from him, others were also entrusted with the task of selling e-tickets and in the absence of any preliminary proof of the fact as to which tickets were found to be forged and whether those were sold by the petitioner, the prosecution against the petitioner is absolutely lopsided. Unfortunately, it has been urged on behalf of the petitioner, no other person has been made accused in this case except him.

The learned advocate for the petitioner has taken this Court to the investigation papers which do not contain any particulars with respect to above noted facts. All that has been stated by the investigating agency is that the informant reiterated that the



petitioner was engaged on daily wage basis for selling e-tickets over the counter. There is no statement of the informant that it was only the petitioner who was entrusted with the aforesaid task and that there were no other persons entrusted with the task of selling the e-tickets.

The father of the petitioner had tried to seek information through RTI about such e-tickets which were alleged to have been sold by the petitioner and which were found to be forged. Such information, it has been argued, was never provided to the father of the petitioner.

The learned advocate for the petitioner has further submitted that the entire responsibility of selling e-tickets was on the informant and in the event of two of the e-tickets having been found to be forged, the informant and others who were engaged on daily wage basis by the informant were required to be interrogated. The investigation reports clearly indicate that the buck has conveniently been transferred to the petitioner and no investigation has taken place with respect to ascertaining the fact that the tickets which were found to be forged were sold by the petitioner.

On such vague accusation, the police has arrested the petitioner and he is in custody since



19.09.2019 as has been noted above. Chargesheet in this case has already been submitted.

Taking into account the aforestated facts, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 558 of 2019 corresponding to CIS No. 1117/19.

One of the bailors shall be the father of the petitioner. At the time of grant of bail, the petitioner as well as his father would be insisted upon to furnish an undertaking that the petitioner shall participate in the trial. The petitioner shall not leave the territorial confines of the State of Bihar without seeking prior approval of the trial court. The petitioner and his father, both, would be under an obligation to furnish their mobile telephone numbers in the undertaking for the purposes of tracking them in case of any default on the part of the petitioner. If the trial commences, the petitioner shall participate in the trial and any absence of the petitioner from the trial proceedings for two consecutive occasions without prior approval of the petitioner shall render the bail liable to be cancelled. The court below, in that event, shall proceed to cancel the bail of the petitioner after



observing the due process of law in case of default by him.

The bail petition stands allowed and disposed of with the aforementioned observations/directions.

(Ashutosh Kumar, J)

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