

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24732 of 2021

Arising Out of PS. Case No.-474 Year-2014 Thana- GANDHIMAIDAN District- Patna

Mahesh Kumar @ Shiv Kumar @ Shiva Son of Devendra Singh Resident of
Village - Dhibra, P.S.- Parsa Bazar, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh

For the Opposite Party/s : Mr.D.P.Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Gandhi Maidan P.S. Case No. 474 of 2014, registered for the offence under Sections 419, 420, 406, 120(B) of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged to be identifier and witness to the sale-deed, which is said to be forged and fabricated.

It is submitted on behalf of the petitioner that as per FIR, the informant gave alleged amount to the co-accused Murtaza Ali, who is owner of M/s Shalimar Mile Stone Company, on the assurance of co-accused Anil Kumar Yadav



and no amount was given to this petitioner. The only allegation, against the petitioner, is that he was identifier of co-accused Gautam Kumar Singh. It is further submitted that co-accused Anil Kumar Yadav, who is alleged to be main conspirator of the alleged occurrence, has already been granted bail by a coordinate Bench of this Court, vide order dated 12.04.2017 passed in Cr.Misc. No. 48942 of 2016 (Annexure – 2 to the bail petition). Petitioner is in custody since 09.10.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Divya Amal, learned J.M. 1st Class, Patna/concerned court in connection with Gandhi Maidan P.S. Case No. 474 of 2014, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for
cancellation of bail.”

(Prabhat Kumar Singh, J.)

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