

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47309 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- PATEPUR District- Vaishali

NISHIKANT, Son of Ramakant Thakur, Resident of Village - Anderquila,
P.S.- Hajipur, Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-04-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The supplementary affidavit filed by the petitioner is taken on record.

This application for anticipatory bail arises out of Patepur P.S. Case No. 27 of 2021 for the offence punishable under Sections 420, 406, 409, 467, 468, 469 and 379 of the Indian Penal Code.

Learned counsel for the petitioner relies upon a letter dated 30.06.2021 written by the informant to the Officer-in-Charge of Patepur Police Station (Annexure-3), by which he has said that there was no forgery and defalcation by the accused and the F.I.R. has been lodged due to mistake as the



petitioner was ill at that time and the relevant documents during the period of Corona could not be traced.

In view of the aforesaid, this bail application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, 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 the learned A.C.J.M.- III, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 27 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The informant should have been careful in future in filing the F.I.R because such a casual approach has resulted into harassment of the petitioner.

The District Magistrate, Vaishali at Hajipur is directed to take decision for withdrawal of the prosecution of the petitioner in view of letter dated 30.06.2021 as the Government servant should not be harassed unnecessarily.

The decision should be taken by the District Magistrate, Vaishali at Hajipur within a period of one month from the date of receipt/production of a copy of this order.



Office is directed to communicate this order to the
District Magistrate, Vaishali at Hajipur through FAX or e-mail
forthwith.

(Sandeep Kumar, J)

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