

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59275 of 2021

Arising Out of PS. Case No.-399 Year-2021 Thana- BIHAR District- Nalanda

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UMESH KUMAR SON OF LATE SHAMBHU SINGH R/O VILLAGE-
ONDA, P.S.- SARE, DISTRICT- NALANDA, HEAD MASTER,
SANSKRIT NEHRU BAL VATIKA, PRIMARY SCHOOL-CUM-MIDDLE
SCHOOL, ONDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Giridhar Gopal Tiwary
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in
connection with Bihar P.S. Case No. 399/2021,
registered for the offence punishable under
Sections 420/467/468/471 and 34 of the Indian
Penal Code.

The allegation is regarding the petitioner
being engaged in committing forgery and
providing wrong birth certificates to accused
persons in conspiracy with the advocate clerks, in
order to enable such persons to be declared



juvenile by the Juvenile Justice Board.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 30.6.2021. The learned counsel for the petitioner has further submitted that the allegation is regarding use of whitener for tampering with the date of birth so that the beneficiary could be declared juvenile by the Juvenile Justice Board, however, it is submitted that as far as the allegation in question is concerned, objection was raised by the prosecution, hence, it appears that the beneficiary could not be declared a juvenile. It is further submitted that the petitioner undertakes not to commit such mistake / tampering in future and for that purpose, the petitioner is ready and willing to be imposed with any such condition as this Court may deem fit and proper for the purposes of grant of bail.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, apart from the fact that he is having a clean antecedent, though I deem it fit and proper to grant the privilege of bail to the petitioner, but subject to the conditions that in case, any such allegation, as has been levelled in the present case, is levelled henceforth, the present privilege of bail shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Bihar P.S.



Case No. 399 of 2021.

(Mohit Kumar Shah, J)

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