

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54968 of 2022

Arising Out of PS. Case No.-79 Year-2018 Thana- KAUWAKOL District- Nawada

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Jitendra Kumar, Son of Naresh Prasad, Resident of Village - Ghora Katora,
P.S.- Giriyak, Distt.- Nalanda, at present Resident of Village - Bakhari, P.S.-
Akbarpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Chaudhary, Sr. Advocate
Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the daughter of the petitioner has got serious ailments concerning heart and lungs and she needs treatment at higher centre.

Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Kawakol P.S. Case No. 79 of 2018, registered for the alleged offences under Sections 467, 468 and 420 of the Indian Penal Code.

As per prosecution case, allegation against the petitioner is that he forged and fabricated some documents while



being working as Statistical Assistant in the office of Child Development Project Officer, Nawada and used the same in his writ petition filed before this Court.

The learned senior counsel appearing on behalf of the petitioner submits that the allegation of forging the documents is completely incorrect and there was no occasion for the petitioner to fabricate the document as the same was not required for any purpose related to the matter of employment of the petitioner. The learned senior counsel further submits that the petitioner was dismissed from service on the charges that he submitted false certificates at the time of getting employment. The petitioner challenged the dismissal order before this Court and the learned Single Judge dismissed his writ petition, but later on, in LPA, the appeal of the petitioner was allowed. Thereafter, a three men Committee was constituted by the authorities to look into the credentials of the petitioner and these documents were found to be genuine. However, after losing the case before the High Court, the authorities, including the informant, levelled false charges from time to time against this petitioner and filed Town P.S. Case No. 838 of 2017 and thereafter Kawakol P.S. Case No. 78 of 2018, but in both the cases, the police has submitted final form. This shows malafide



on the part of the authorities. The learned senior counsel further submits that in this case the charge sheet has been submitted against the petitioner and there is no chance of tampering with the evidence and the witnesses. The petitioner is in custody since 01.08.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail submitting that there is specific allegation against the petitioner for forging the documents and placing the same before the High Court.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nawada, in connection with Kawakol P.S. Case No. 79 of 2018, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court



below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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