

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3075 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- BANGAWON District- Saharsa

Mahendra Paswan @ Khalifa Paswan @ Mani Paswan Son of Late Jagdish
Paswan R/v- Agwanpur, Ward No. 02, P.S.- Bangaon, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 24.08.2022, in connection with Bangaon P.S. Case No. 55 of 2022, F.I.R. dated 05.06.2022 registered for the offences punishable under Sections 406, 409, 420, 467, 468, 353 of the Indian Penal Code.

Allegation against the petitioner is that he is discharging his duties in the name of Mahendra Paswan on the basis of forged and fabricated documents.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in



fact the petitioner himself is Mahendra Paswan @ Manoj Paswan. He further submits that the Investigating Officer of the present case has written a letter to the Panchayat Secretary, Gram Panchayat, Sahpur to verify the death certificate of Mani Paswan on 07.11.2022 and on the basis of the letter of the Panchayat Secretary, Investigating Officer has sent a letter to the learned Additional District and Sessions Judge-Vth, Saharsa stating therein that despite several attempts the death certificate of Mahendra Paswan @ Manoj Paswan is not available. He further submits that it appears that the allegation against the petitioner is false and it appears from Annexure-7 series of the bail petition that the Identity Card issued by the Department, the Bank Account, Aadhar Card etc. is in the name of Mani Pawan i.e. the petitioner and the present case has been lodged only to harass the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bangaon P.S. Case No. 55 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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