

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5301 of 2023

Arising Out of PS. Case No.-522 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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INDRA MOHAN SHARMA S/o Shri Videshi Sharma R/o Ward no. -5,
Sipahi Tola- Chunapur Road, Mohalla- Madhubani- Purnea, P.S.- Khajanchi
Hat, Distt- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with K. Nagar P.S. Case No.- 522 of 2022
registered for the offences punishable under Sections 467, 468,
471, 409 and 420/34 of the Indian Penal Code. He has got no
criminal antecedent.

As per the prosecution story, a three members
combined team was constituted under the Chairmanship of
Additional Collector, Purnea for the reason of unavailability of
settlement case record. The three members of combined team
held that Sri Binda Das, the then Incharge Assistant is
responsible and also for the purpose of making false proposal
without any legal document that in the aforesaid settlement the



then Circle Inspector Ramesh Kumar Manjhi and Halka Karmachari- Sri Indra Mohan Sharma are also responsible.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that in absence of the records only a wrong and concocted allegation has been made against the petitioner who was the then Revenue Karamchari at the relevant time in the year 2012.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, in which learned counsel for the petitioner submits that the concerned record was held by the then Incharge Assistant- Shri Binda Das, hence, in absence of the records only a wrong and concocted allegation has been made against the petitioner who was the then Revenue Karamchari at the relevant time in the year 2012, the petitioner has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with K. Nagar P.S. Case No.- 522 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 antecedent, 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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