

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12766 of 2023

Arising Out of PS. Case No.-303 Year-2014 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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ABHISHEK KUMAR S/o Ravindra Nath Tiwari @ Ravindra Tiwari R/o
Village- Barwa Tiwary Tola, P.S.- Govindganj, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in a case registered for
the offence punishable u/s 420, 467, 468, 471 of the IPC.

As per the prosecution case, the petitioner was selected in
Army during the period 04.02.2014 to 12.02.2014 but was
declared unfit in primary physical test. Later on, physical test of
Army recruitment, Gaya in respect of petitioner was received
showing him to be successful in physical test which created
suspicion over its genuineness and the same was sent for its
proper verification and the same was found to be forged.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Petitioner has one criminal antecedent. The petitioner joined his scheduled training where he got involved in the process. It is submitted that a complaint case was lodged in Bangalore as Ashok Nagar Police Complaint Case No.520/2014 and was granted regular bail by the learned A.C.M.M., 11th, Bangalore on 05.11.2014. It is further submitted that for the same allegation against the same accused, an F.I.R. was lodged against the petitioner in Muzaffarpur. It is further submitted that the petitioner was in no way concerned to the department, so it is not possible that he created any report or submitted it.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the fact that for one offence, two cases have been lodged against the petitioner in two different places, I am inclined to enlarge the petitioner on bail.

Accordingly, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/Successor Court in connection with Kazi Mohammadpur P.S. Case No.303/14, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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