

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23987 of 2023

Arising Out of PS. Case No.-355 Year-2022 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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KAUSHAL PATEL SON OF BIPIN PATEL @ BIPIN KURMI RESIDENT
OF RAJA BARWA PAKER TOLA JAMUHAN, P.S. - TURKPATARI,
DISTT. - KUSHINAGAR (U.P.)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

Let the defect(s), if any, be removed within a

period of four weeks from today.

The petitioner seeks bail in connection with

Magadh Medical College P.S. Case No. 355 of 2022 registered

for the offence under Sections 406, 467, 468, 471, 420 and 120B

of the Indian Penal Code.

As per the prosecution case the informant a police

constable Navin Tyagi alleged that he saw a post on facebook

profile namely “Sarkari Yojnayen and Naukariyan” and it was

written there that get the birth certificate online within two

minutes only. He further alleged that having seen the post, the

informant forwarded a message as to whether death certificate



of year 2003 can be prepared which was responded by one Abhishek Kushwaha and the informant was asked to forward message on mobile phone number 7563089912. It is further alleged that the informant saved the said mobile phone number and talked on said phone number. He further alleged that Abhishek assured the informant that certificate would be prepared and asked the informant to fill up a form and pay Rs. 300/=. He further alleged that the informant gave information to the Senior police officers who directed the informant to get a certificate prepared and compare the same with the portal by which death certificate of Manish Kumar was prepared. It is further alleged that the informant asked to forward a sample of certificate following which a certificate was forwarded on mobile phone of the informant and print out of which was taken out by the technical cell. He further alleged that thereafter the informant send the form and money (Rs. 300/-) where after death certificate was received on his mobile phone. He further alleged that on technical examination, the death certificate of Manish Kumar and the certificate received on mobile of the informant was found to be prepared through the same system and digital signature was also found to be similar.

Learned counsel for the petitioner submits that the



petitioner is in custody since 09.11.2022 and the petitioner is innocent and has committed no offence and has falsely been implicated in this case.

Learned A.P.P. has vehemently opposed the prayer for bail.

Considering the period of custody, this application for regular bail is allowed.

Let the petitioner, above named, be released on bail **after framing of charge if the charge is not framed yet** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Gaya in connection with Magadh Medical College P.S. Case No. 355 of 2022.

The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on absence on two consecutive dates without sufficient reason, the bail bond shall be cancelled by the Court below.

One of the bailor should be close relative of the petitioner.

(Sandeep Kumar, J)

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