

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28821 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- BEERPUR District- Begusarai

SUMIT KUMAR Son of Sitaram Chaudhari Resident of Village - Ratanpur
Niyar Book Store, P.S. - Nagar (Ratanpur O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is an accused in connection with
Birpur P.S. Case No. 124 of 2022 registered for the offences
under sections 417, 468, 469 and 471 of the Indian Penal Code
lodged on 16.09.2022 by the informant, Jeetendra Kumar.

As per the prosecution story, the police in course of
investigation of Birpur P.S. Case No. 67 of 2022, got a report
from Apex Hospital showing the injury to be grievous.
However, upon further investigation, was found that the
concerned doctor has never signed the document and the report
is frivolous. Accordingly, the present FIR.

It is the submission of the learned Counsel for the
petitioner that the same was done by one Shambhu Paswan @
Shambhu Kumar, an employee of the hospital, he is neither the



employee of the hospital nor the owner, the said Shambhu Paswan @ Shambhu Kumar has since been granted bail by a co-ordinate bench in Cr. Misc. No. 25660 of 2023 on 19.05.2023.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that a forged certificate was provided to the police to make the injuries grievous.

Taking into account the fact that employee, Shambhu Paswan @ Shambhu Kumar has since been granted bail, this petitioner is in custody since 31.01.2023 (as stated in paragraph 12 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate 1st Class-cum-Additional Munsif, Begusarai in connection with Birpur P.S. Case No. 124 of 2022, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

