

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32263 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- SIWAN CITY District- Siwan

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Bhagwan Mahato @ Rajesh Mahato, S/O Mushafir Mahto, Resident of
Village- Jashauli, Kharg, P.S. Pachrukhi, District- Siwan Pin Code- 841241
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Siwan Town P.S. Case No. 65 of 2023 registered for the offences under Sections 420, 467, 468, 120(B) of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, the petitioner had prepared fake Aadhar Card in the name of Sonu Kumar through which acetone chemical was bought from Kolkata which is used for making poisonous liquor. One laptop, one keyboard, one mouse and pen-drive has been recovered from the possession of the petitioner which was used for the purpose of preparation of fictitious Aadhar Card in the name of said Sonu Kumar.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on mere



suspicion. It is further submitted that no incriminating material has been recovered from the petitioner to support the allegation.

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

6. Having regard to the submission that the petitioner has been falsely implicated in this case on mere suspicion that he had prepared the Aadhar Card of the co-accused Sonu Kumar who had purchased acetone which is a substance used in preparation of poison, the submission being that no incriminating material has been recovered from the petitioner to support the allegation, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Siwan Town P.S. Case No. 65 of 2023 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, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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