

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36121 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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MANISH KUMAR Son of Sri Vikrama Pandit Proprietor, Rohit Enterprises,
Resident of village - Muskaha, P.S.- Gopalganj Town, District - Gopalganj
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Gopalganj Town P.S. Case No.138 of 2023 instituted under
Sections 420,467 and 468 of the Indian Penal Code lodged on
25.02.2023 by the informant Rakesh Kumar.

As per the FIR, on 24.2.2023, the Circle Officer,
Gopalganj upon the instruction of the S.D.O. Gopalganj
conducted raid in the shop of petitioner, Rohit Enterprises and
Internet Point and found 167 printed cards of Driving Licence,
89 Plain cards of Driving Licence with chip and one ATM card
and one seal of Civil Surgeon, Gopalganj. Thus, the shop of the
petitioner was sealed followed by the FIR.

Learned counsel for the petitioner submits that though



number of driving licenses and the ATM cards alleged to have been recovered/seized from the shop of the petitioner, a bare perusal of the seizure list would show that the date along with signature of the Officer concerned is interpolated. Further, the witnesses have put in their signatures, surprisingly, the signature and/or the LTI of the petitioner is missing. He submits that he has been framed only because he demanded the dues that had accrued with the SDO office for the photocopies that was being done. The last submission is that the petitioner has no criminal antecedent.

Learned APP opposes the prayer for bail though concedes that the signature of the petitioner is missing in the seizure list.

Taking into account this important aspect that the name of the petitioner is missing on the seizure list, he do not have criminal antecedent and is in custody since 18.04.2023 (as stated in para-10 of the petition), 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/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Gopalganj Town P.S. Case No.138 of 2023 to the satisfaction of learned



Chief Judicial Magistrate, Gopalganj, subject to 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 the 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.

(Rajiv Roy, J)

Prakash Narayan /-

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