

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37557 of 2023

Arising Out of PS. Case No.-657 Year-2022 Thana- TEKARI District- Gaya

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Gauri Shankar Son of Kapil Bind Resident of village - Pararia, P.S. - Tekari,
Distt. - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 17.03.2023 in connection with Tekari P.S. Case No. 657 of 2022, F.I.R. dated 12.10.2022 for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

4. According to prosecution case, this petitioner has taken admission on the basis of the transfer certificate issued by middle school in the year 2007 and after verification, the said transfer certificate has been found false.

5. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and the petitioner has always submitted his D.O.B certificate in which his date of birth is 01.01.2006 and even before the J.J. Board the petitioner has produced the same certificate having same date of birth. He further submits that the school in question had issued the certificate to the petitioner and on the basis of that certificate, the J.J. Board had declared him Juvenile in Tekari P.S. Case No. 143 of 2021. He further submits that pursuant to the order dated 16.08.2021 passed in Cr. Revision No. 644 of 2021, the present F.I.R has been instituted against the petitioner. The petitioner is in custody since 17.03.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner. on the ground that petitioner carries one criminal antecedent other than the present one.

7. Considering the fact that the petitioner is a student and he has not submitted two date of birth certificate and before declaring him juvenile from the competent J.J. Board he has obtained the date of birth certificate from the middle school and



the same certificate was mentioned in his matriculation examination, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Gaya in connection with Tekari P.S. Case No. 657 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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