

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40135 of 2023

Arising Out of PS. Case No.-354 Year-2022 Thana- BIHAR District- Nalanda

NAVIN KUMAR S/O LATE BHIM KUMAR R/O Village- Saidpur, P.O and
P.S- Khizarsarai, Distt.- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The BSFC through Additional District Manager, Nalanda. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Adv.
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay
For the BSFC	:	Mr. Shailendra Kumar Singh
		Mr. Utkarsh Utpal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-08-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Bihar Police Station Case No. 354 of 2022, dated
18.05.2022, disclosing offences under Sections
420/468/467/471 of the Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the petitioner was selected as
Transport-cum-Handling Agent for Door Step Delivery (DSD)
of food grains in the district of Nalanda and at the time of
selection, the petitioner produced character certificate issued by
the police, which was found to be forged.



Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, as an after thought, inasmuch as, the petitioner, after being selected as contractor, and the informant, being fully satisfied with the documents produced by the petitioner, entered into written agreement on 11.08.2021, whereas, First Information Report has been lodged on 18.05.2022. He further submits that the contract agreement has now been terminated on the aforesaid ground by the informant.

On the other hand, learned counsel appearing for the BSFC submits that from perusal of the letter of Senior Superintendent of Police, Gaya, addressed to the District Manager, BSFC, Nalanda, at page no. 19 of the First Information Report, it would be evident that the petitioner has done interpolation in the character certificate.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that on the same ground the agreement has been terminated and the allegation against the petitioner is based upon the document, for which, the custodial interrogation may not be required, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Bihar Police Station Case No. 354 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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