

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42353 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. VIVEK KUMAR TIWARY @ VIVEK KUMAR SON OF TARKESHWAR TIWARI @ THAKUR JEE TIWARI VILLAGE KUNDOR PS DARAUDA DISTRICT SIWAN
 2. RAJAN KUMAR @ RANJAN KUMAR SON OF GOPAL JI SAH RESIDENT OF VILLAGE- SHER PS- SIDHWALIYA, DISTRICT- GOPALGANJ
 3. MUKESH KUMAR SON OF DASHRATH SINGH RESIDENT OF VILLAGE- AMIRPUR, PS- NAWANAGAR, DISTRICT- BUXAR
 4. RAKESH KUMAR PANDEY SON OF NAND KISHORE PANDEY RESIDENT OF VILLAGE- INAMIPUR, PS- JALALPUR, DISTRICT- SARAN (CHAPRA)
 5. DILIP KUMAR YADAV SON OF BABUNA YADAV RESIDENT OF VILLAGE- RAMPUR KALAYAN, PS- KATAIYA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 16-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 22.03.2023, seek bail in connection with Muzaffarpur Town P.S. Case No. 219/2023 dated 21.03.2023, registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) of the I.P.C.



3. According to prosecution case, eleven candidates appeared at the examination for the post of Rural Postal Service and all were having educational certificate of school Bokaro. On suspicion, inquiry was made and it was found that these are forged certificates provided from a cyber cafe, Chhapra bazar for which each accused persons have paid Rs. 2.5 lacs.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the petitioners have submitted all the original documents, which were provided by the concerned Board/University to the petitioners and without verifying the same, the informant has filed the false and fabricated case against the petitioners and other co-accused persons. He further submits that co-accused persons namely Jitesh Kumar, Dhanoj Kumar and Badal Kumar have been granted bail by co-ordinate Bench of this Court vide order dated 07.08.2023 passed in Cr. Misc. No. 41213/2023 and other analogous cases i.e. Cr. Misc. No.41299/2023 and Cr. Misc. No.41781/2023 respectively. He further submits that the



police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 22.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur in connection with Muzaffarpur Town P.S. Case No.219/2023, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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