

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42245 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- MUSRIGHRARI District- Samastipur

NILENDRA GIRI S/O SAROJ KUMAR GIRI Resident of village- Bathua
Buzurg P.S.- Musarigharai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 16-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 27.10.2021 in connection with Musarigharari P.S. Case No. 145 of 2021, F.I.R. dated 26.10.2021 registered for the offence punishable under Sections 420,467,468,471 of IPC.

3. The prosecution case is based on self-statement of S.H.O. of Musarigharari dated 26.10.2021 wherein he stated there in that Musarigharari P.S.Case No.119 of 2021, 132 of 2021 and 133 of 2021, has been registered and the mobile number used in this occurrence by which rangdari has been demanded, has been put on technical surveillance and on the basis of the said surveillance two co-accused persons have been arrested and in course of search from possession of co-accused



Rahul Kumar two different Aadhar Card has been recovered and it is alleged that in both the Aadhar Card name and Address are different but photo are of the same person i.e. the petitioner and it is found that the said co-accused Rahul Kumar are the same person and he made a forged Aadhar Card from the name of two different persons.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from bare perusal of the FIR it appears that the petitioner was apprehended alongwith other co-accused persons. Allegation against the petitioner is that he carried two Aadhar Card. Learned counsel for the petitioner submits that in one Aadhar Card, the permanent address of the petitioner is mentioned and in another Aadhar Card, the address-Darbhnga is mentioned and in both the Aadhar Card, the photo of the petitioner is affixed on the Aadhar Card and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.10.2021.

5. Vide order dated 05.07.2023, an up-to-date report



was called for with regard to the present status of the trial. Report dated 15.07.2023 of the learned Trial Court reveals that only one witness has been examined in the present case.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 27.10.2021.

7. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner carries thirteen more cases other than the present one but fairly submits that out of thirteen cases, the petitioner is on bail in twelve cases and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

8. Considering the aforesaid facts, 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 learned Judicial Magistrate-1st Class-cum-Additional Munsif, Samastipur in connection with Musarigharari P.S. Case No. 145 of 2021, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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