

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45292 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- SOHSARAI District- Nalanda

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BIRENDRA KUMAR Son of Sadhusharan Yadav Resident of Village -
Ambanagar, Main Road Noorsarai, Post Office - Noorsarai, P.S.- Noorsarai,
District - Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Prakash Sharma, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with Sohsarai P.S. Case No. 61 of 2023
(G.R. No. 1080/2023), registered for the offences
punishable under Sections 420, 467, 468 and 471
of the Indian Penal Code.
3. The allegation is regarding the petitioner
having submitted tender documents in pursuance
to Tender Notice No. 2 of 2021-22, which upon
scrutiny have been found to be forged and
fabricated.
4. The learned counsel for the petitioner



has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the allegations levelled against the petitioner are vague and there is no specific evidence regarding the documents, submitted by the petitioner, being forged. It is also submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 31.07.2023, passed in Criminal Misc. No. 42160 of 2023.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent



and similarly situated co-accused person has already been granted the privilege of anticipatory bail, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, 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, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 61 of 2023, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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