

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46317 of 2023

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

HIMANSHU KUMAR Son of Late Suresh Singh Resident of village -
Bakhtiyarpur, P.S. - Bakhtiyarpur, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur,
Mrs. Vaishnavi Singh
For the Opposite Party/s : Mr. Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Sohsarai PS Case No. 61 of 2023 dated 23.02.2023 registered for the offence under Section 420, 467, 468, 471 of the Indian Penal Code.

3. As per the First Information Report, the petitioner submitted a tender invited by Executive Engineer, Minor Irrigation Department, Nalanda bearing tender no. 02/ 2021-22 group no. 7 Babandiha Pain Yojna and group no. 6 Meyar Ahar Pain Yojna in which the petitioner submitted a forged affidavit with respect to excavator machine.



4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and there is no material to show that affidavit submitted by the petitioner regarding supply of excavator machine by its owner is forged and fabricated. The petitioner has been dealing with the owner of excavator machine since long which would be evident from bank statement of the petitioner annexed at Annexure- 2 having name of one of the owners of the excavator machine namely, Santosh Kumar. Contract has not yet been awarded in favour of the petitioner.

5. Regard being had to the submission made by the parties and taking into consideration the fact that allegation is based upon documentary evidence, for which custodial interrogation of the petitioner may not be necessary, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest / surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees 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 PS Case No. 61 /
2023 subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

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