

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55780 of 2023

Arising Out of PS. Case No.-335 Year-2023 Thana- SHASTRINAGAR District- Patna

Nand Kishore Son Of Sri Nagendra Sharma R/V Birla Colony C/26, PS.
Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 20-09-2023 Heard Mr. Pushpendra Kumar Singh, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Shastri Nagar P.S. Case No. 335 of 2023, registered for the
offences punishable under Sections 417, 418, 419, 420, 467,
468, 120(B) of the Indian Penal Code.

3. Allegedly the petitioner on the basis of forged
experience certificate obtained a tender in his favour and has
also procured work orders, however, in course of verification it
has been found that the experience certificate submitted by the
petitioner is forged resulting into institution of the FIR as well
as issuance of show cause notice.

4. It is submitted on behalf of the petitioner that show



cause notice to the petitioner was assailed before this Court in CWJC No. 14260 of 2022 and the Division Bench of this Court after having found certain infirmities has been pleased to quash the impugned notice *vide* order dated 24.01.2023, copy of which has been brought on record by way of annexure-p-4. He further refuted the contention of the Department, and submits that the certificate which is allegedly said to be forged has never been submitted by the petitioner. He next submitted that in fact in order to give undue weightage to another contractor, the present FIR has been instituted by making a frivolous allegation. He lastly submitted that the petitioner is a reputed contractor having fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner has been found involve in procuring tender by submitting the forged document.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the notice issued by the Department has been quashed by the Division Bench of this Court and the entire case is based on documentary evidence, coupled with his fair antecedent and undertaking that



he will fully cooperate in the investigation and in case his presence would be required during course of investigation, he would ensure his physical presence before the Enquiring Officer, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Patna in connection with Shstri Nagar P.S. Case No. 335 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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