

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58885 of 2023

Arising Out of PS. Case No.-700 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. NISHA KUMARI DAUGHTER OF CHHABILA PRASAD @ CHHABILA PRASAD YADAV @ CHABILAL PRASAD RESIDENT OF VILLAGE - LAKHAURA GANESH TOLA, P.S. - LAKHAURA, DISTRICT - EAST CHAMPARAN, MOTIHARI
 2. JITENDRA KUMAR SON OF MADINA RAI @ NAGINA RAI RESIDENT OF VILLAGE - LAKHAURA GANESH TOLA, P.S. - LAKHAURA, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Muffasil (Lakhaura) P.S. Case No. 700 of 2022, registered for the offences punishable under Sections 420, 467, 468, and 471/34 of the Indian Penal Code.

3. The allegation against the petitioners is of producing forged and fabricated certificate at the time of counseling. On verification, the certificates of Teachers Eligibility Test produced by the petitioners have been found to



be forged, resulting into institution of the present F.I.R..

4. Learned counsel appearing on behalf of the petitioners submit that, in fact, the petitioners themselves are victims of the circumstances, as they themselves have been cheated by the institution, from where the certificates have been issued. He next submits that admittedly the petitioners have not obtained any appointment on the basis of any forged certificates rather they have already punished appropriately, as the F.I.R. has been instituted and they have to face the consequences. That apart, if the petitioners would be sent to the judicial custody, their entire career shall be jeopardized. He lastly submits that the petitioners are students, having fair antecedent, and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application and submits that specific allegation has been levelled against the petitioners that they produced forged and fabricated certificates and, as such, their complicity in the crime cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are students, having fair antecedent and they are ready to co-



operate in the investigation, let the petitioners above named be released on bail, in the event of their 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), each with two sureties of the like amount, each to the satisfaction of the learned Court of Chief Judicial Magistrate, Motihari, East Champaran, in connection with Muffasil (Lakhaura) P.S. Case No. 700 of 2022, 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 petitioners.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

