

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60078 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- BASANTPUR District- Siwan

Mohamad Ayub @ Md. Ayub, Son of Abdul Kadir, R/o village - Khawaspur,
P.S. - Basantpur (Lakri Nabiganj O.P.), P.O. - Khawaspur, Distt. - Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanishk Kaustubh, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in
connection with Basantpur (Lakri Nabiganj) P.S. Case No.202
of 2023 registered for the offences punishable under Sections
467, 468 and 471 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR
and is in custody since 16.07.2023.

4. Allegation against the petitioner is to
withdraw old age pension of father of one Firoz in the year
2011-12 on the basis of his forged signature. The petitioner
happens to be husband of the then Mukhiya, namely, Nasirun
Nesha.

5. It is submitted by learned counsel that out of



local political rivalries, the petitioner has been implicated almost in 35 cases, where he has already acquitted in eight cases and in four cases, police submitted final form against the petitioner after investigation and, as such, the actual criminal antecedent stand against the petitioner is as 23, where in one matter, compromise took place between the parties and in rest of the cases, he is on bail. It is submitted that merely on the basis of allegation, the petitioner implicated with present case without any proper examination of alleged forged document/signature. Learned counsel submitted that no expert opinion/FSL report was obtained to ascertain the genuineness of the signature as to establish a *prima facie* case against this petitioner creating a forged document. It is also submitted the petitioner is a 67 years old person and suffering from different ailments. While travelling over the argument, learned counsel for the petitioner submitted that the petitioner made a complaint against said Firoz, who runs a local PDS shop and out of the said enmity, the present false case was lodged. While concluding argument, it is submitted that investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer



submitted that petitioner found involved in 35 more cases.

7. In view of above-mentioned facts and circumstances and by taking note of fact as implication *prima facie* appears out of local political differences, where no expert opinion regarding signature of petitioner was obtained during the course of investigation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.07.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-X, Siwan in connection with Basantpur (Lakri Nabiganj) P.S. Case No.202 of 2023 subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in similar nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial



Court only on medical ground of the petitioner
duly supported by the documents.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

