

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59316 of 2022

Arising Out of PS. Case No.-473 Year-2022 Thana- RAJAOLI District- Nawada

VIKASH KUMAR S/O Bhola Lal Barnwal Resident of village- Nawabganj,
P.S- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan,Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard Mr. Durgesh Nandan, learned counsel for the
petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Sirdala P.S. Case No. 473 of 2022 for the offence registered under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code.

The petitioner earlier got PDS license under matric category. Subsequently, for the PDS allotment, the petitioner came forward with a graduation certificate of Bundelkhand University and upon enquiry, it was found that the said certificate was never issued by the Bundelkhand University.



Accordingly, his license cancelled and the FIR was lodged.

Learned counsel for the petitioner submits that though earlier the University showed his certificate to be genuine, the subsequent letter took U-turn and led to not only registration of FIR but also cancellation of his PDS license, the submission is that he has already suffered due to cancellation of his PDS license. He further submits that irrespective of the outcome of the result of the present case, the petitioner intends to deposit Rs. 10,000/- in the account of Advocate Welfare Trust Committee, Patna High Court, Patna.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that on the basis of forged certificate, he took PDS license.

Considering the aforesaid fact presented by the learned counsel for the petitioner as also that his PDS license stands cancelled, he do not have criminal antecedent and the petitioner will have to face the trial, this Court is inclined to extend the privilege of anticipatory bail subject to deposit of Rs. 10,000/- as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nawada in connection with Sirdala P.S. Case No. 473 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



(vi) the petitioner shall co-operate in the investigation
and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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