

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60156 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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BRAHMDEV PRASAD @ BRAHAMDEV PRASAD YADAV S/o Late
Devnarayan Yadav R/o Village- Patahi, P.O.- Chhaurahi, P.S.- Khodavanpurl,
Distt- Begusarai, At present, posted as Lower Division Clerk, Minor Irrigaiton
Sub-Division, Pakaridayal, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Motihari Town P.S. FIR No. 161 of 2022 for the offence
registered under Sections 420, 467, 468, 471 and 120-B/34 of
the Indian Penal Code.

As per the prosecution story, it has been alleged that
the revision pension document of Triveni Prasad Verma was sent
to the District Accounts Officer, East Champaran, Motihari for
verification and was found to be suspicious by the Accountant
General, Bihar. On query, it was found that the verification and
dispatch number are forged and fabricated. Accordingly, the FIR
against the accused persons including the petitioner herein, who
was Dispatch Clerk.



Learned counsel for the petitioner submits that he was a Dispatch Clerk and was not the beneficiary of it. Further, he was exonerated in the Departmental proceedings. Further, Akhilesh Kumar, the Correspondence Clerk was granted the privilege of bail in Cr. Misc. No. 60758 of 2022 on 30.01.2023 by this Court for same set of allegation.

Learned counsel submits that departmental proceeding was also conducted in which the conducting officer came to the conclusion that so far as this petitioner is concerned, no such role against him could be found. The further submission is that the petitioner do not have criminal antecedent and will be abiding by all the terms and conditions, if granted the privilege of anticipatory bail.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the aforesaid facts as also that that he has been exonerated in the departmental proceeding, do not have criminal antecedent and will be ultimately facing the trial, this Court is inclined to grant him privilege of anticipatory bail subject to certain conditions.

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 Chief Judicial Magistrate, East Champarn at Motihari in connection with Motihari Town P.S. Case No. 161 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with following conditions:

(i) 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 bail bond by the Trial Court itself;

(ii) 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 his bail bond;

(iii) 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.

(Rajiv Roy, J)

Jagdish/Neha/-

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