

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68587 of 2023

Arising Out of PS. Case No.-850 Year-2022 Thana- KOTWALI District- Patna

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OM SINGH @ OM JEE SINGH S/O LATE ANIL KUMAR SINGH @ ANIL SINGH R/O VILLAGE- PURUSHOTAMPUR DAKHALI WARD NO. 3, P.S- TAJPUR (HALAI O.P.), DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRAVEEN WILSON HERBERT, DEPUTY REGISTRAR, PATNA HIGH COURT, PATNA. BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Adv
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kotwali P.S. Case No. 850 of 2022 registered on 22.12.2022 lodged under Sections 191, 193, 196, 209 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged against two named accused persons including the petitioner against whom the allegation is of suppressing the facts and producing forged document.

4. Counsel for the petitioner submits that the copy of the bail petition on which allegation has been made of suppression is present at Page 43 of the application where it is



written in Paragraph 3 that “ there is no criminal antecedent against the petitioner”. Counsel further submits that it transpires from Page 49 that the said affidavit has been made by accused no. 2 Anil Singh @ Anil Kumar Singh. Counsel further submits that the said Anil Singh @ Anil Kumar Singh who is accused no. 2 is the father of the present petitioner who has executed the false affidavit before this Hon'ble Court. Counsel for the petitioner further submits that the father of the petitioner was suffering from various ailments and memory loss and due to his illness, he died on 25.03.2023 as stated in Paragraph 3 of the present bail application. Counsel submits that in commission of the alleged offences, there is no direct involvement of the petitioner. He further submits that the cases under which F.I.R. has been lodged all are bailable except Section 196 of the Indian Penal Code.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 28.04.2023 having three criminal cases pending against him, in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that the affidavit has been made by the father of the present petitioner but it is also true



that suppression has been made by them. After going through the pleadings and facts this court is of the opinion that there is no directed involvement of the petitioner in suppressing the facts as affidavit has been made by accused no. 2.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Patna, in connection with Kotwali P.S. Case No. 850 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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