

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68458 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- KOTWALI District- Patna

Prabhat Kumar Ranjan @ Uday Samrat @ Udai Samrat S/O Late Chandradeo Yadav @ Chandradeo Prasad Singh R/O-Vaidehi Apartment, Jagdeo Path, PS-Rupaspur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Kotwali P.S. Case No. 26 of 2022 registered for the offences punishable under Sections 420, 467, 468, 469, 471 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner and his wife has submitted false statement, as there were no criminal antecedent against this petitioner, in order to



obtain anticipatory bail.

The main submissions advanced by the petitioner's counsel are that the investigation of the instant matter has been completed and the chargesheet has been submitted under the bailable offences of I.P.C. though the cognizance has been taken under Sections 420, 467, 468, 469, 471, 193 read with Section 34 of I.P.C. but the said offences are not applicable in respect of the petitioner as the allegation of swearing a wrong affidavit in Cr. Misc. No. 10850 of 2021 is against the wife of this petitioner who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 64657 of 2022 and the alleged offence of Section 420 of I.P.C. is not attracted in this case and there is also no allegation of creating any false document hence the other alleged offences of I.P.C. are not attracted in this case and only the offence under Section 193 may attract which is a bailable offence and moreover the petitioner has been languishing in jail since 20.07.2022 and the alleged affidavit was sworn by the petitioner's wife bonafidely due to mistake of facts and that was not filed intentionally.

Learned APP appearing for the State has opposed the prayer for bail.

In view of the facts as stated above and mainly



considering the petitioner's custody period and also the privilege of bail having been granted to co-accused Priya Kumari @ Priya Mishra in Cr. Misc. No. 64657 of 2022, who appears to be the main accused in this case and also the fact that investigation has been completed in respect of the petitioner, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kotwali P.S. Case No. 26 of 2022.

(Shailendra Singh, J.)

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