

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74628 of 2023**

Arising Out of PS. Case No.-431 Year-2022 Thana- CHANDAUTI District- Gaya

RAJEEV KUMAR SON OF SUDARSHAN CHAUHAN R/O VILLAGE-
USRI, P.S.- BUNIYADGANJ, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 01-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chandauti P.S. Case No. 431 of 2022 registered for the offences
punishable under Sections 420, 468 and 471 of the IPC.

3. As per prosecution case, informant alleged in his
written statement that on the basis of letter no. 10(Ansh
XCVII)2022-2792 dated 06.10.2022, the Hon'ble Patna High Court
in Cr. Rev. No. 644/2021 filed by Raju Yadav Vs. The state of Bihar
& others in which some document regarding school leaving
certificate has been attached and according to the school leaving
certificate issued from Middle school Solra, Paraiya Gaya, the date of
birth of the petitioner is 01.03.2004. It is further alleged that
according to admission register, the admission of petitioner has not
been mentioned. It is further alleged that the petitioner took



admission on the basis of manipulated and false document declaring the petitioner juvenile on 13.08.2021 by the Court of J.J.B. Gaya.

4. Learned counsel for the petitioner submits that petitioner is in custody since 21.02.2023 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has no knowledge and never worked as a guardian for admission in school. He further submits that petitioner has not produced any forged document for taking admission. Petitioner is not in any way connected with the said manipulation. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 3rd, Gaya in connection with Chandauti P.S. Case No. 431 of 2022, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

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