

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73586 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- AIRPORT District- Patna

Madan Kumar Singh @ Sri Madan Kumar Singh S/O Late Deota Prasad
Singh Village- Bajhara (WRONGLY Mention In The Impugned Order As
Baharara), Ps. Kadwa, Dist. Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Bimal Kumar, learned counsel for the

petitioner and Mr. Raj Kishor Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Hawaii Adda P.S. Case No. 103 of 2023, F.I.R.
dated 15.05.2023 for the offences punishable under Sections
467, 468, 471, 420, 120B and 511 of the Indian Penal Code.

3. According to prosecution case, the petitioner and
other accused persons tried to get the tender on forged and
fabricated documents and attempted to cheat the department.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner is the partner of the firm, Ms. Navnirman Construction and they have submitted forged and fabricated certificate only to obtain the bid in question. He further submits that his firm has submitted the certificate which was issued by the competent authority and on the basis of that, the petitioner has submitted the papers for the bid in question and it was found that the said paper of the Executive Engineer was forged and then the present F.I.R has been instituted against the petitioner and other accused persons. He further submits that no case is made out against the petitioner because the petitioner has not given the work in question.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 learned Judicial Magistrate 1st Class, Patna in connection with Hawaii Adda P.S. Case No. 103 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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