

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5171 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- ISHIPUR District- Bhagalpur

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Raja Ram Modi S/o Ramchandra Modi R/o Village- Madhaura (Semanpur),
P.S.- Ishipur (Barahat), Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
30.07.2022 in connection with Isipur (Barahat) P.S. Case No. 50
of 2022, F.I.R. dated 05.06.2022 for the offences punishable
under Section 420 and 193 of the Indian Penal Code.

According to prosecution case, the petitioner has made
forged death certificate of his son only to save him from another
case in which his son was accused.

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 allegation as alleged in the F.I.R. against the petitioner is that he has obtained false and fabricated death certificate of his son. He further submits that the allegation is false and fabricated and he has not received any such certificate and he has not submitted any paper for obtaining the death certificate of his son. He further submits that it has come during investigation that the petitioner has obtained the death certificate of his son only to save him from the allegations alleged against the son of the petitioner in Ishipur Barahat P.S. Case No. 112 of 2018 under Section 376 of the Indian Penal Code and Section 4 of POCSO Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.07.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Additional Chief Judicial Magistrate, XIII, Bhagalpur in connection with Isipur (Barahat) P.S. Case No. 50 of 2022,



subject to the following conditions:-

1. 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.

2. 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.

3. 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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