

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1793 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

Ashutosh Kumar, Male, aged about 30 years, Son Of Late Tarun Nandan Prasad R/O Vill.- Kukra, P.O.- Alipur, P.S.- Buniyadganj, Manpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Prasoon, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-05-2023 Heard Mr. Prabhat Prasoon, learned counsel appearing on behalf of the petitioner and Mr. Tapeswar Sharma, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Magadh Medical A.N. College P.S. Case No. 255 of 2022 dated 08.08.2022 registered for the offence punishable under Sections 409, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Prosecution story, in brief, is that the petitioner is an input clerk posted at A.N. Magadh Medical College, Gaya. He had forwarded an application for appointment of one Guriya Kumari to the Superintendent of college. Allegation against the petitioner is that he had deleted four lines of the said application



which led to the filing of the present FIR relating to the present bail application.

4. Learned senior counsel appearing on behalf of the petitioner submitted that the petitioner is only responsible for forwarding application to the Superintendent of the college being input clerk. The petitioner had entered the application in the register and it was duty of the diariest to place it before the Superintendent of College. Petitioner has no role in commission of the alleged offence and deleting four lines in the application would be of no help to the petitioner.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the facts and circumstances of the case and the fact that the petitioner was only responsible for entering the application in the register and it is the diariest, who is responsible for not handing over the application to the Superintendent of the College, I am of the opinion that petitioner has *prima facie* made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from



today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Magadh Medical A.N. College P.S. Case No. 255 of 2022 dated 08.08.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

niraj/-

U		T	
---	--	---	--

