

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7469 of 2024

Arising Out of PS. Case No.-174 Year-2023 Thana- BENIPATTI District- Madhubani

Bablu Maali S/o Arjun Maali Resident of Village- Basaitha, P.S. - Benipatti,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanishk Kaustubh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2024 Heard Mr. Kanishk Kaustubh, learned Counsel for
the petitioner and Mr. Aditya Narayan Singh 1, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Benipatti P.S. Case No. 174 of 2023 for the offence
registered under sections 420, 467, 468, 471 and 34 of the
Indian Penal Code lodged on 01.08.2023 by the informant
Vickey Kumar.

3. As per the prosecution story, in Benipatti P.S. Case
No. 19/2023 forged birth certificate of Mithilesh Mukhiya was
detected whereafter it was transpired that same was created by a
cyber cafe of this petitioner. Accordingly, the FIR

4. Learned Counsel for the petitioner submits that his
cyber cafe facilitates the students in submission of online



application form and in that process, the certificates are made. Mithilesh Mukhiya did not made any forged certificate from his cafe but only it is situated nearby, he has been dragged in. He undertakes that he will be cooperating in the investigation.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that as per the investigation, it has transpired that it has come from the same cyber cafe.

6. Taking into account the submissions put forward by learned Counsel for the petitioner as also that main culprit is Mithilesh Mukhiya, he runs a cyber cafe and is ready to co-operate in the investigation, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Benipatti P.S. Case No. 174 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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