

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15080 of 2024

Arising Out of PS. Case No.-290 Year-2022 Thana- GOGRI District- Khagaria

Rajesh Kumar @ Rajesh Sharma Son of Butan Sharma @ Butal Sharma R/o
Village- Badi Paikant Dewtha, P.S.- Gogri, District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Sinha, Advocate

For the State : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Rajesh Sinha, learned counsel for the

petitioner and Mr. Vinod Shanker Modi, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gogri P.S. Case No. 290 of 2022, F.I.R. dated 22.10.2022 for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 34 of the Indian Penal Code.

3. According to prosecution case, certificate of the date of birth of the informant, namely, Nandini Bharti was made by the petitioner which was found forged during the investigation.

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 initially a complaint petition has been filed before the B.D.O., Gogri in



which the petitioner is not named and on the basis of that complaint petition the present FIR instituted by the B.D.O., Gogri against the petitioner and other co-accused persons. He further submits that from a bare perusal of the FIR it appears that the allegation against the petitioner that petitioner being a D.E.O. in Referral Hospital, Gogri has prepared the present false certificate. He further submits that there is no specific allegation against the petitioner and other co-accused persons, namely, Ranvin Kumar and Manoj Kumar, against whom the direct allegation in the original complaint petition, have been granted anticipatory bail by this Hon'ble Court vide order dated 24.06.2023 passed in Cr. Misc. No. 20080 of 2023 and vide order dated 14.07.2023 passed in Cr. Misc. No. 29342 of 2023 respectively.

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

6. Considering the aforesaid facts, the petitioner has clean antecedent and co-accused persons have been granted anticipatory bail, 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 Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 290 of 2022, 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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