

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48200 of 2024

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

1. Chhote Mukhiya Son Of Asharfi Mukhiya Resident Of Village- Basaith, P.S.- Benipatti, Distt.- Madhubani, Bihar
2. Ranjit Mukhiya Son Of Chhote Mukhiya Resident Of Village- Basaith, P.S.- Benipatti, Distt.- Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Benipatti P.S. Case No. 174 of 2023, for the offence under Sections 420, 467, 468, 471, 34 of the Indian Penal Code lodged on 01.08.2023 by the informant, Vikky Kumar.

3. As per the prosecution story, the F.I.R. has been lodged by Bench Clerk alleging that co-accused Mithilesh Mukhiya submitted forged and edited birth certificate in connection with Benipatti P.S. Case No. 19 of 2023, in which he was an accused and when this was detected by the concerned Court, direction was issued, which followed the F.I.R.



4. Learned counsel for the petitioners submits that they are father and brother respectively and being illiterate, had no knowledge about this change of birth certificate for which, the F.I.R. lodged.

5. Learned APP, Mr. Jitendra Kumar Singh, on the other hand, opposes the prayer submitting that the son of the petitioner no.1 being an accused, wholly to transfer him from the jail to Juvenile Justice Board, the conspiracy was made, documents prepared, submitted before the Court and only after the same was detected, the direction given.

6. This Court finds force in the submission of learned APP. Though the petitioners' claim that they are illiterate, that cannot be a ground to act in such a manner to hoodwink the Court who was considering the case of the son of petitioner no.1, in that background, the anticipatory bail petition stands rejected.

7. If the petitioners surrender within a period of four weeks, the trial Court shall take up the matter and disposed it of preferably on the same day.

(Rajiv Roy, J)

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