

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61091 of 2023

Arising Out of PS. Case No.-940 Year-2022 Thana- BIHAR District- Nalanda

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HARSH KANT YASH @ HARSH MAFIA, son of Pappu Prasad @ Adwitiya
Kumar Dinbandhu Village- Barnausa Ps- Silao Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bihar P.S. Case No. 940 of 2022, lodged on 03.12.2022 under Sections 420, 467, 468, 471, 120(B), 196, 197, 198, 209, 34 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged against the present petitioner, his father and other gang members against whom there is an allegation that they have procured a forge certificate of board relating to his age with a view to take benefit in Juvenile Justice Board.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the certificate which has been obtained by the



petitioner is correct and he was actually reading in the said school. Counsel further submits that the antecedent of the petitioner is not clean and there are eight criminal cases pending against him in which in one case, he is acquitted. The petitioner is in custody since 27.03.2023 in the present case.

5. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that he is not sure that whether charge has been framed or not.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the Court has called for report and from perusal of the said report, it transpires to this Court that this case is pending for framing of charge.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 940 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. However, the petitioner shall be granted bail only



on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Laheri P.S. Case No. 347 of 2017.

(II)- Laheri P.S. Case No. 533 of 2020.

(III)- Laheri P.S. Case No. 115 of 2021.

(IV)- Laheri P.S. Case No. 389 of 2021.

(V)- Laheri P.S. Case No. 396 of 2021.

(VI)- Laheri P.S. Case No. 522 of 2022.

(VII)- Bihar (SC & ST) P.S. Case No. 28 of 2021

(Dr. Anshuman, J.)

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