

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77974 of 2023

Arising Out of PS. Case No.-53 Year-2010 Thana- KATIHAR MUFFASIL District- Katihar

1. Bhushan Kumar Singh S/O Late Surendra Singh R/O Village- Sirsiya Mani, P.S- Amnour, Distt.- Saran.
2. Deepak Kumar Singh S/O Ramesh Singh R/O Village- Bikrampur, Police Station- Madora, District- Chhapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Rajpati, Advocate Mr. Keshav Anand, Advocate Ms. Neha Gupta, Advocate
For the Opposite Party/s :		Mr.Ajay Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Muffasil P.S. Case No.53 of 2010 registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioners is that they had produced forged domicile certificate for getting employment in the Army.



4. Learned counsel for the petitioners submits that the petitioners were unemployed persons and in their endeavour to get a job in the Army, they had produced the domicile certificate which is allegedly a forged and fabricated document. It is his submission that the documents are genuine. Learned counsel further submits that in similar allegations, this Court has granted bail to the co-accused in Cr. Misc. No.10778 of 2011 and Cr.Misc. No. 15144 of 2013. Copies of the orders have been enclosed as Annexure- '2' and '2A' respectively.

5. Learned counsel further submits that the petitioners were not aware of the present case and they came to know about it only recently when they got to know that non-bailable warrants have been issued against them. They are presently in job and if they are required to surrender, they would be losing their job.

6. Learned A.P.P. for the State submits that this is a case of the year 2010. It is further submitted that those who were granted privilege of anticipatory bail by this Court had moved this Court in the year 2011 and 2013.

7. Learned APP submits that the petitioners have



not surrendered for about 14 years by now, therefore, there is every possibility that they have been declared absconder by the learned court below. Hence, in case, they have been declared absconders, the petitioners would not deserve privilege of anticipatory bail.

8. Having regard to the facts and circumstances of the case, this Court finds force in the submission of learned APP for the State. There is, however, no material on the record to show that as to whether the petitioners have been declared absconder or not. The petitioners are moving this Court for grant of pre-arrest bail after more than 13 years.

9. In the circumstances, considering the totality of the facts and circumstances as also in the interest of justice, this Court is of the considered opinion that the petitioners should surrender within a period of two weeks from today and on their surrender if it is found that they have not been declared absconder by the learned court below in the present case and the case of the petitioners stand on similar footing with that of those who have been granted privilege of anticipatory bail vide Cr. Misc. No.10778 of 2011 and Cr.Misc. No. 15144 of 2013, similar benefits would be



given to the petitioners and their application shall be considered on the same day. However, in case the petitioners have been declared absconder, the petitioners would be required to seek regular bail on their own merit which will be considered by the learned court below in accordance with law.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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