

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76351 of 2023

Arising Out of PS. Case No.-650 Year-2022 Thana- FORBESGANJ District- Araria

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DHARMENDRA KUMAR S/O INDRA NAND MANDAL RESIDENT OF
VILLAGE-BAGHMARA, P.O-AMHARA, P.S.-FORBESGANJ, DISTT-
ARARIA, BIHAR, PIN-854318

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Forbesganj P.S. Case No. 650 of 2022 for the offence under sections 419, 420, 120(B), 467, 448, 471 of the I.P.C. lodged on 25.06.2022 by the informant, Upendra Kumar.

3. As per the prosecution story, despite the order of the Patna High Court in CWJC No. 15459 of 2014 granting immunity to the accused persons, the allegation is that petitioner having fake certificate, continued as a teacher and upon found the same to be fake, the FIR.

4. Learned counsel for the petitioner submits that though he had submitted genuine certificate, the same has been found to be fake and after filing of the anticipatory bail, he has



also been removed from the service, FIR lodged and will be facing the trial.

5. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 10,000/- with the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer stating that despite the certificate having been found to be fake, he continued in service and it is not the case that he resigned rather was removed.

7. Though there is force in the submission of the learned APP, despite immunity, he chose to continue which resulted into lodging of the FIR, he will have to face the trial, do not have criminal antecedent, this Court is of the view that putting him in jail will serve no purpose, this Court is inclined to extend him the privilege of anticipatory bail subject to the payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in



connection with Forbesganj P.S. Case No. 650 of 2022 subject to the conditions 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/her 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 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;

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

(Rajiv Roy, J)

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