

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85987 of 2023

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

Deepak Kumar S/o Late Shiv Kumar Sah R/o Village- Manopali, P.S-
Baniyapur , District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate

For the State : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The sole petitioner in this case is seeking pre-arrest bail in connection with Katihar (M) P.S. Case No. 53 of 2010 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120B of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, the informant, namely Colonel P.S. Bedi gave a report to the S.P. Katihar on 19.06.2010 alleging therein that the candidates including this petitioner had submitted domicile and character certificates during the recruitment held at Purnea in July, 2009 but on verification, it was found that the documents submitted were fake. Further allegation is that 21 candidates including this petitioner have studied in district other than Katihar and the set

of domicile certificates are also fake.

4. Learned counsel for the petitioner submits that the case of the petitioner would be standing on similar footing with that of Bhushan Kumar Singh and Deepak Kumar Singh who were petitioners in Criminal Miscellaneous No. 77974 of 2023. A copy of the order dated 10.01.2024 passed by this Court in Criminal Miscellaneous No. 77974 of 2023 has been placed before this Court. It is submitted that the petitioner is presently in service and he has not been declared absconder.

5. Learned APP for the State does not controvert the submission of learned counsel for the petitioner and agrees with him that in the present case also, a similar order may be passed.

6. Having regard to the submissions noted hereinabove, this Court would reproduce paragraph '9' of the order dated 10.01.2024 passed in Criminal Miscellaneous No. 77974 of 2023 as under:-

“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.”

7. The present application is being disposed of in terms of paragraph ‘9’ of the order dated 10.01.2024 passed by this Court in Criminal Miscellaneous No. 77974 of 2023 as quoted hereinabove. The petitioner shall surrender within a period of four weeks from today and on his surrender, his prayer for bail shall be considered in terms of the directions in the case of Bhushan Kumar Singh and Deepak Kumar Singh vide order dated 10.01.2024 passed in Criminal Miscellaneous No. 77974 of 2023.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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