

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84608 of 2023

Arising Out of PS. Case No.-682 Year-2022 Thana- BODHGAYA District- Gaya

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Vikash Kumar, S/O Late Shairu Ravidas R/O Village- Baraini, P.S- Bodh
Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anmol Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bodh Gaya P.S. Case No. 682 of 2022, lodged on 15.10.2022
under Sections 420, 467, 468, 471, 120(B) of the Indian Penal
Code.

3. As per the prosecution case, the FIR has been
lodged against the petitioner that in connivance with other
person, he has obtained forged transfer certificate and on the
basis of which he took admission in another school from where,
he declared himself to be juvenile and after interference made
by the Hon'ble Court, the said forgery has been earthed.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the petitioner took admission in the school by
virtue of the form submitted. Counsel further submits that the



petitioner is in custody since 03.06.2023 and there are two criminal cases pending against him in which he is persuading bail in both the cases.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that counsel for the petitioner is again relying on the form which was prepared on the basis of false transfer certificate which is annexed at Page no.32 and therefore, there is no subsistence in his argument because after observation made by this Hon'ble Court, report has been submitted by the expert on the basis of which FIR has been lodged against the petitioner. Counsel also submits that antecedent of the petitioner is not clean and there are two criminal cases pending against the petitioner and at the time of considering the bail, this aspect may be taken into consideration.

6. It transpires to this Court that the offences under which case has been filed are magisterial triable.

7. 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 as per his knowledge, charge has not been framed in this case.

8. 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 in this case** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty



thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in connection with Bodh Gaya P.S. Case No. 682 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

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

(Dr. Anshuman, J.)

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