

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85118 of 2023

Arising Out of PS. Case No.-467 Year-2023 Thana- SABAUR District- Bhagalpur

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Kailash Nishad, age about 48 years, Male, SON OF LATE JAGESHWAR NISHAD @ JAGESHWAR MANDAL R/O VILLAGE- LAILAKH, P.S.- SABOUR, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-04-2024 Heard Mr. Rajive Ranjan Singh, learned counsel appearing on behalf of the petitioner and Mr. Shahabuddin Azeem @ S. Azeem, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Sabour P.S. Case No. 467 of 2023 registered for the offence(s) punishable under Sections 409, 419, 420, 467, 468 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner has done *Bandobasti* of thirty Jalkars in his favour from *Matsya Jivi Sahyog Samiti* Limited by forging signature of informant and other members of the block committee.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a member of *Matsya Jivi*



Sahyog Samiti Limited, Bhagalpur and the allegation made in the FIR cannot be sustained in view of the joint enquiry report submitted by the District Krishi Officer-cum-Chief Executive Officer, Fisheries Bhagalpur and Senior Deputy Collector, Bhagalpur, in which, it has been informed that upon inquiry, it has been found that *Bandobasti* was done by the *Mantri* of the society on 20.05.2023 and 25.05.2023 with respect to financial years 2023-2024 to 2026-2027 and the aggrieved party may avail remedy in accordance with law. Learned counsel further submitted that case of forgery has been lodged due to internal politics by the ex-chairman. Petitioner is innocent. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Sabour P.S. Case No. 467



of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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