

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2138 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- KHAJEKALA District- Patna

Baijnath Prasad Late Devi Prasad Resident of Nawab Bahadur Road, Nai Sarak, Patna City, P.S.-Khajekala, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Krishna, Advocate
For the Informant	:	Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Madhav Krishna, learned counsel for the petitioner, Mr. Deepak Kumar Singh, learned counsel appearing on behalf of the Informant as well as Mr. Anuj Kumar Shrivastava, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Khajekala P.S. Case No. 256 of 2023, F.I.R. dated 29.06.2023 registered for the offences punishable under Sections 420, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has committed fraud by preparing forged affidavit in respect of the ancestral property.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the informant is own brother of the petitioner and as per allegation the petitioner has prepared a forged affidavit in respect of the property in question and filed a Mutation before the concerned authority.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that it has come during investigation that S.D.O. has submitted a report that such affidavit has not issued in the office of S.D.O..

6. Considering the facts and circumstances of the case and the nature of allegation, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City, Patna in connection with Khajekala P.S. Case No. 256 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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