

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2561 of 2025

Arising Out of PS. Case No.-578 Year-2024 Thana- GANDHIMAIDAN District- Patna

Kundan Kumar @ Kundan Kumar Jha S/O Kailash Prasad Jha R/O Mohalla-
Sanjay Gandhi Nagar, Hanuman Nagar, Road No.2, P.S- Patrakar Nagar,
Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Sharma Assistant District Fire Officer Masaurhi-cum-NOC
Branch Incharge, State Fire Officer, Bihar, Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 4162 of 2025

Arising Out of PS. Case No.-578 Year-2024 Thana- GANDHIMAIDAN District- Patna

Md. Nadim Son of Md. Sabir Resident of Village- Aunsi Babhangawan, P.S-
Bisfy, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2561 of 2025)

For the Petitioner/s : Mr.Abhay Kumar, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 4162 of 2025)

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioners and learned
APP for the State in both the cases.



2. The petitioners who apprehend arrest in connection with Gandhi Maidan P.S. Case No. 578/2024 lodged on 26.09.2024, for the offences punishable under sections 318(4), 338, 336(3), 340(2), 61/3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the accused persons submitted their applications along with a provisional NOC purportedly issued under the signature of the State Fire Officer for the grant of a final NOC. However, upon verification, it was found that the said certificate was not genuine. It was also found that the map submitted along with the said provisional certificate was false.

4. Learned counsel for the petitioner submits that the petitioner (in Criminal Miscellaneous No. 2561 of 2025) is innocent and has committed no offence. In fact, a perusal of the F.I.R. itself shows that the work was allotted to the petitioner company for the construction of the L.I.C. building. Further, the work related to the preparation of the building map was allotted to Panchwati Colonizer and Construction Pvt. Ltd., and the work related to fire equipment was allotted to Archo Fire Service Pvt. Ltd. Learned counsel further submits that the map of the L.I.C. building was prepared by Panchwati Colonizer and



was approved by the L.I.C., and after such approval, the L.I.C. building was constructed by Rama Infra Project Pvt. Ltd. Upon completion of the construction of the L.I.C. building, and as per the directions of higher officials, the petitioner, along with Md. Nadim, submitted the certificate along with the map on 23.09.2024 to the State Fire NOC Officer for the grant of a final No Objection Certificate. He further submits that the petitioner is the Project In-charge of Rama Infra Project Pvt. Ltd., and he submitted the papers for the final NOC in compliance with orders from senior officials. To the best of the petitioner's knowledge, the map submitted was genuine. The petitioner has a clean antecedent.

5. Learned counsel for the petitioner submits that the petitioner in Criminal Miscellaneous No. 4162 of 2025 is an employee of Archo Fire Service Pvt. Ltd., and that he signed the document in question under the instructions of higher officials. It is further submitted that the petitioner has merely become a scapegoat and is not responsible for the alleged wrongdoing.

6. Learned counsel for the petitioner submits that the petitioner in second case is employee of Archo Fire Service Pvt. Ltd. And he has also signed on the document on the instruction of higher official and has become the scape goat and not



responsible for the said wrong.

7. Learned counsel for Opposite Party No. 2 submits that the Assistant Fire Brigade Officer, Masaurhi—who is the informant in this case and in-charge of the NOC Section—has stated that the petitioners were the ones who signed the documents and submitted the materials for obtaining the final NOC. The learned counsel further contends that it is immaterial under whose instructions the petitioners signed the documents. What is significant is that the document submitted to the Fire Office was forged and fabricated, and bore the signatures of both petitioners. Hence, they are *prima facie* responsible for the act.

8. Learned APP for the State opposes the bail prayer of the petitioners in both cases and submits that the FIR clearly states that anyone who signs and submits forged documents shall be held liable.

9. In this background, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners in connection with Gandhi Maidan P.S. Case No. 578/2024, pending before the learned SDJM, Patna, is hereby rejected.



10. However, if the petitioners surrender before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on their surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioners’ anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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