

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74537 of 2024

Arising Out of PS. Case No.-771 Year-2023 Thana- ARARIA District- Araria

Om Prakash Singh @ Om Prakash Mithilesh Kumar Singh @ Mithilesh Kumar Resident of Village- Tuniahi Dakhinwari, P.S.- Madhepura District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Istiyaque S/O Md. Ishak r/o village-NayaNagar Shyampur P.S and Dist Araria bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Siyaram Pandey, Advocate
For the State	:	Mr. Rajendra Singh, APP
For Opposite Party No.2	:	Mr. Gopal Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 409 and 420 of the Indian Penal Code.

3. As per prosecution case, this petitioner was computer operator in the Office of Executive Engineer, Road Construction Department, Araria and it is alleged that he took total Rs. 2,50,000/- from the informant and others for issuance of license and thereafter sent forged license on Whatsapp.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has committed no offence. As a matter of fact, petitioner is a computer operator and runs a shop from his residence and has



got no concern in the alleged occurrence. As a matter of fact, when notice for selection of computer operators was published, this petitioner applied and got selected in the year 2013 and thereafter used to work for the office of Executive Engineer, Road Construction Department, Araria and being satisfied with his work, his services were extended time to time till 2022 and he finally left the job in the year 2023. It is further submitted that from bare perusal of the F.I.R. it is apparent that date of occurrence is 20.07.2022 and F.I.R. has been lodged after delay of more than 1 year on 05.08.2023 and there is no plausible explanation for the same. It is further submitted that at this stage, without admitting his guilt and while denying the allegations made in the F.I.R., petitioner is ready to deposit the disputed amount amounting to Rs. 30,000/- (Rupees thirty thousand only) which was transferred into his account by the informant. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.



7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No. 771 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 30,000/-** (Rupees thirty thousand) shall be deposited through cash in the *Nazarat* of the Civil Court, Araria.
- B. The aforesaid payment shall be subject to the final outcome of the case.
- C. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.

8. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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