

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1264 of 2025

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

Prabhash Kumar Sharma Son of Anil Kumar Sharma Resident of Village -
Chakrami, P.S. - Bhawanipur, District - Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar Tripathi, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 08-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Gandhi
Maidan P.S. Case No. 578 of 2024 instituted for the offences
under Sections 318(4), 338, 336(3), 340(2), 61, 3(5) of the
Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the petitioner is accused of
being involved in the forgery of the seal and signature of the
State Fire Officer for which, as alleged, the petitioner has
receiving Rs. 15,000/- as bribe from the applicant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He submits that the petitioner is not the beneficiary of the alleged forged document nor he has used the said map as valuable security. He further submits that the arrest of the petitioner has been made before receipt of the first information in this case and thus, submitting that the action of the Investigating officer in arresting the petitioner is not only *malafide* but also fraud of the highest order. He further submits that the arrest of the petitioner by the police and remand order dated 27.09.2024 are both illegal in the present matter. No reason of arrest as well as ground to arrest has been mentioned in the arrest memo. There are no independent witness to the search and seizure memo which is in violation of Section 103(4) of the B.N.S.S. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the arrest of the petitioner in this case is not illegal and the remand order is also valid. There is specific allegation against the petitioner of committing forgery of the signature and seal in the document of Fire Office and, thus, he does not deserve bail. The charge-sheet has been submitted in this case



under Sections 318(4), 338, 336(3), 340(2), 61, 3(5) of the
Bhartiya Nyaya Sanhita, 2023.

6. Having heard rival contention of both the parties
and considering the entire facts and circumstances of the case as
also taking into account the period of custody of the petitioner
and the petitioner having no criminal antecedent, let the
petitioner, abovenamed, be released on bail on furnishing bail
bonds of Rs.10,000/- (Ten thousand) with two sureties of the
like amount each to the satisfaction of Court below/concerned
Court in connection with Gandhi Maidan P.S. Case No. 578 of
2024.

(Rudra Prakash Mishra, J)

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