

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42151 of 2014**

Arising Out of PS.Case No. -624 Year- 2013 Thana -FULWARIYA District- PATNA

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1. Ram Shankar Prasad Singh @ Rama Shankar Prasad Singh S/o Late  
Ayodhya Singh Resident of at present A.G. Colony, Police Station  
Shastri Nagar, District Patna.

.... .... Petitioner

Versus

1. The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Manish Kumar No-2

For the Opposite Party : Mr. Zainul Abedin (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

6      02-04-2015

Petitioner is languishing in custody since  
25.02.2014 in a case registered for the offences punishable  
under Sections 302, 364, 201, 120B, 34 of the I.P.C.

The informant being second wife of the  
victim, Kamal Nath Sharma claimed that she left the  
matrimonial house in the year 2011 after some dispute with  
her husband and on 09.05.2013 when she returned to her in-  
laws house, she found the house locked and subsequently she  
found that her husband is missing since last one year. The  
informant came to know that on 16.05.2012, the petitioner got  
a power of attorney executed from her husband with regard to  
3 acre 92 decimals of land. One Maheshwar Singh was  
identifier of the said power of attorney and Chandan Kumar  
and Kamlesh Sharma were the witnesses. Subsequently the  
informant filed a petition before Senior Superintendent of  
Police, Patna alleging that this petitioner executed the sale deed  
on 07.07.2012 in favour of Tinku Kumar on the basis of power

of attorney. One Chandan Kumar was a witness to the said sale deed.

It is submitted by learned counsel for the petitioner that husband of the informant went missing on 01.05.2012 when the First Information Report was registered on 02.11.2013. The husband of the informant filed Matrimonial Suit No. 15 of 2012 for divorce whereas the informant filed a complaint being Complaint Case No. 37 of 2011 at Purelia, West Bengal levelling accusation under Section 498A of the I.P.C and only on suspicion the accusation has been levelled. In the present case, though witnesses during investigation, particularly Jai Prakash suggested that the victim was last seen in the company of this petitioner and considering the circumstantial nature of accusation Maheshwar Singh being an identifier of the power of attorney has been granted bail vide Cr. Misc. No. 32346 of 2014.

Considering the circumstantial nature of accusation and the investigation being concluded, let the petitioner, above named, be released 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 Judicial Magistrate, 1<sup>st</sup> Class, Patna in connection with Phulwarisharif(Janipur) P.S. Case No. 624 of 2013.

**(Dinesh Kumar Singh, J)**

Shageer/-

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