

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51531 of 2014

Arising Out of PS.Case No. -239 Year- 2012 Thana -DHANARUA District- PATNA

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1. Hriday Sharma S/o Parshuram Singh Resident of village - Neema, Police Station - Dhanarua, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 27-04-2015 Heard learned counsel Sri Sunil Prasad as well as learned Additional Public Prosecutor for the State.

It would appear from perusal of the record that this petition was filed on behalf of the petitioner Hriday Sharma under Sections-439 & 440 of the Criminal Procedure Code, 1970 and when this petition was taken up for hearing on 04-03-2015, a counter affidavit was filed on behalf of the informant and it has been brought to the notice of this court that wrong statement had been made at paragraph-3 of the petition and the real fact is that the petitioner carries criminal antecedent of 6 cases. It was also brought to the notice of this court that some interpolations had been made in the substantive part of fardbeyan.

In the light of aforesaid facts, this court called for the



zerox copy of the original FIR of Dhanarua P.S. case No. 239 of 2012 corresponding the Sessions Trial No. 54 of 2014 as well as carbon copy of the case diary from the court of Learned Additional Session Judge-VII, Patna. After receipt of the aforesaid documents, when this petition was put up before this court on 10-04-2015, Sri Sunil Prasad, advocate appeared and informed that brief of the present petition was handed over to him by one Munshi and on the basis of documents and information, furnished by the said Munshi as well as Pairvikar of the petitioner, he filed the present petition in good faith. The learned counsel Sri Sunil Prasad assured this court to locate the name and address of the above-said Munshi.

Today, a supplementary affidavit is filed by Sri Sunil Prasad, advocate highlighting this fact that the brief of the present case was handed over to him by one Rajesh Kumar @ Manish S/o Awadhesh Kumar Sinha resident of village-Basantpur, P.s. Basantpur, district-Siwan whose mobile No. is 8877788363 and one Sri Arun Tiwary S/o not known, resident of village-Tankuppa, P.S. Fatehpur, district-Gaya whose mobile No. is 9006545781. It is also highlighted in the supplementary affidavit that the above-said persons were introduced to Sri Sunil Prasad, advocate by one, Santosh Kumar, S/o not known, resident of Mohalla- Sandalpur,



West side, Tara Sadan, P.S. Bahadurpur, P.O. Mahendru, District-Patna. The above-said persons namely, Rajesh Kumar @ Manish and Arun Tiwary handed over the brief containing Vakalatnama, duly executed by the petitioner as well as certified copy of the impugned order and photocopy of certified copy of the FIR and thereafter, he filed the present petition. It is also mentioned in the supplementary affidavit that both the above said persons produced one Sunita Devi projecting her as relative of the petitioner and the said Sunita Devi sworn an affidavit by introducing herself as daughter-in-law of the petitioner Hriday Sharma.

It is a serious case of filing of forged FIR and impugned order, which needs deep and scientific investigation and the persons involved in this matter are liable to be dealt with iron hands.

As I remember, this Court has already directed the Registrar General of Patna High Court to get an FIR instituted with CBI in respect of one other case, in which forged documents had been filed.

It is brought to my notice on behalf of the Bar that several cases of this type were detected by the different Benches of this Court and several Benches of this Court have already directed the Registrar General, Patna High Court, Patna to take

appropriate steps in this regard.

Now-a-days, it has become rampant in the court to place forged and fabricated documents in the cases, especially, in the bail matters with intent to dupe the court and to obtain favourable orders.

In the present case, the petition has been filed by Sunil Prasad, Advocate but it is apparent from the above said fact that he fairly appeared before this Court and gave information regarding those persons, who appears to be involved in the present matter and furthermore, it appears to me that Shri Sunil Prasad, Advocate filed this petition in good faith and therefore, this Court does not want to take any action against him.

However, the Registrar General, Patna High Court, Patna is directed to tag this matter along with the case, in which this Court had already directed the CBI to make deeper and scientific investigation in the matter of filing of forged and fabricated first information reports and impugned orders.

Accordingly, this petition stands disposed of.

Let this record be placed before the Registrar General, Patna High Court, Patna for needful.

(Hemant Kumar Srivastava, J)

A.K.V./-

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