

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6001 of 2015

Arising Out of PS.Case No. -145 Year- 2014 Thana -DARAUNDA District- SIWAN

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Shailendra Kumar Singh Son of Late Gulab Singh, R/o Vill - P.O. -
Rukundipur, P.S. - Daraunda, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Md. Ashlam Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 19-08-2015 Heard learned counsel for the parties as with

regard to the prayer for anticipatory bail of the

petitioner.

2. Let it be noted that this Court considering the

submission of learned counsel for the petitioner had

earlier passed an order on 21.05.2015, which reads as

follows:-

*“Heard learned counsel for the parties as with regard to the
prayer of the petitioner for grant of anticipatory bail for offence under
sections 420, 467, 468 and 471 of the Indian Penal Code.*

*Learned counsel for the petitioner has submitted that the
petitioner is only running a NGO and therefore, if any application was
filed by the petitioner on behalf of the said NGO for receiving grant-in-
aid, that by itself cannot be said to be committing any offence.*

*The matter is not so simple. Here is the person who claims to be
running a voluntary organization (NGO) and wanted to take assistance
from the funds of the Government by claiming that such NGO headed by
the petitioner was working in the field of disabilities. In course of such
application filed by the petitioner it has been discovered that a
recommendation of the District Magistrate in favour of the petitioner
was forged. The petitioner, therefore, will owe explanation and if the
petitioner till today has not explained his part of story to the police he
must do so forthwith.*

*For this purpose this Court would direct that the petitioner,
Shailendra Kumar Singh, shall be granted provisional bail for a period*

of three months from today on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in Daraunda P.S. Case No. 145/2014, subject to the conditions as laid down under section 438(2) Cr.P.C.

The petitioner after being released on provisional bail for a period of three months shall immediately appear before the Investigating Officer within 15 days and explain his part of the story, whereafter the Investigating Officer with the approval of Superintendent of Police, Siwan shall submit his detailed report to this Court as with regard to involvement of the petitioner.

Put up this case after two months as a tied up matter.

Let a copy of this order be sent both to the Superintendent of Police, Siwan as well as Officer In-charge of Daraunda Police Station in the district of Siwan for its compliance in letter and spirit."

3. Having regard to the aforesaid earlier order of this Court and the receipt of an adverse report from the Superintendent of Police, Siwan dated 17.07.2015, which reads as follows:-

Memo No. 80/Legal Cell

Superintendent of Police, Siwan

From,

Superintendent of Police, Siwan

To

**The Assistant Registrar,
High Court of Judicature at Patna**

Date 17.07.2015

Ref:- In the reference of Daraunda PS Case No. 145/2014 and Cr. Misc. No.-6001/2015, Vide No.-34007, dated-22.06.2015.

Sir,

- (1) Shailendra Kr Singh Secretary Private Organisation "Gulab Sing Mahila and Bal Kalyan" and Kaushik Gram Murarchak, Post Jamsaut, Danapur Cantt Patna registered office Rukundipur Siwan is accused of Daraunda PS case no. 145/2014 which has been registered on the basis of written report of B.D.O Daraunda against the petitioner for fraudulently obtaining the recommendation to the proposal for approval of grant of the Scheme of the afore said organization for financial year 2012-2013 and 2013-2014. Letter No 272/Samajik Surkhha Kosang, Dated 16.06.2014 of District Magistrate Siwan to P.V.P Daraunda is clear in which it has been alleged that letter No-390 A used by the petitioner Shailendra Kr Singh is forged one and this letter has not been issued from the office of Collector ate, Siwan.
- (2) During Investigation and supervision the case has been found to be true against Shailendra Kr Singh petitioner.
- (3) Allegation made in Para 7 of the petition is wrong.

Your's Faithfully
Superintendent of Police
Siwan."



learned counsel for the petitioner does not want to press this application and wants the petitioner to surrender immediately after expiry of period of his provisional bail in terms of the aforesaid order dated 21.05.2015, for filing an application by him for grant of regular bail to the petitioner.

4. That being so, if the petitioner would surrender after expiry of period of his provisional bail before the Court below and file an application for regular bail the same shall be considered on its own merit by also going into the aspect as to whether on account of production of the alleged forged letter by the petitioner, any financial benefit was also extended to the petitioner, which could also directly connect him in relation to the alleged offence. The Court below shall consider the prayer of grant of regular bail to the petitioner by taking into consideration that if no financial benefit could be obtained by the petitioner on the basis of the aforementioned alleged forged letter of

the Collector of the district, whether there is any material in the case diary, to show direct complicity of the petitioner in the forgery and/or production of the aforesaid forged letter.

5. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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