

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18099 of 2015

Arising Out of PS.Case No. -142 Year- 2014 Thana -SONO District- JAMUI

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Sadanand Ram son of Kamli Ram resident of village- Jagijore, P.S.
Charkapathar (Sono), District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Narsing Tanti(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 18-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Section 419, 420, 467, 468 of the Indian Penal Code and that the allegation against the petitioner of forging Land Possession Certificate (L.P.C.) is so apparent, this Court would not be guided by the rest of the submissions of the learned counsel for the petitioner that if the original of the L.P.C. certificate had already been given, there was no need for the petitioner to also produce the said certificate.

Once this aspect becomes clear that there is a duplicate certificate which was supposed to be showing a greater area of land luring to the benefit of the petitioner alone, its being in existence cannot be said to be without active knowledge of the petitioner. It is this aspect of the matter which will disentitle the

petitioner to get privilege of anticipatory bail.

The submission of the learned counsel of the petitioner that by using such duplicate copy of the L.P.C. certificate, even if the petitioner had intended to get some loan from the Bank but, as the loan was never given to the petitioner, the complicity in the offence alleged cannot lead to his rejection of prayer for anticipatory bail.

This Court, however, would also not find any force in such submission because once it is found that there was a forgery in the L.P.C. inuring to the benefit of the petitioner alone even if an attempt was made by him to obtain loan from the bank, the same will constitute the offence alleged against him.

Accordingly, the prayer for anticipatory bail of the petitioner, namely, Sadanand Ram is hereby rejected.

Nothing said in this order, however, will come in the way of the petitioner if he surrenders and makes a prayer for regular bail which shall be considered on its own merit without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

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