

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45568 of 2014

Arising Out of PS.Case No. -2273 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. ARVIND KUMAR SINGH
2. NAVEEN KUMAR SINGH @ NAVEEN SINGH
3. SANJEET KUMAR SINGH @ SANJEET SINGH
ALL ARE SON OF RAM DARSHAN SINGH RESIDENT OF
VILLAGE - SHANKAR SARAIYA, BABU TOLA, P.S. -
TURKAULIA, DISTRICT- EAST CHAMPARAN.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

Appearance:

For the Petitioner/s : Mr. Prem Sheela Pandey, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 21-05-2015 Supplementary affidavit has been filed on behalf of
petitioners. Taken on record.

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

With an allegation of disappearance of alleged victim
Vijay Singh, an idiot since 01.07.2012 two cases have been
instituted, the first one happens to be the present one filed by Shri
Narayan Singh and the second one by Mankesh Singh bearing
Kesariya P.S. Case No.254 of 2012. Shri Narayan Singh, Mankesh
Singh happens to be the full brother. In both the cases there
happens to be an averment regarding the aforesaid events along
with the fact that these petitioners have made Vijay Singh as
captive and got a sale deed executed on 02.08.2012 without



paying a single farthing. It is apparent from Annexure-3 and order passed in Cr. Misc. No.3172 of 2013 wherein vide order dated 02.05.2013 petitioners were granted anticipatory bail relating to Kesariya P.S. Case No.254 of 2012 considering statement of victim Vijay Singh recorded under Section 164 Cr.P.C. which cannot be taken in the present case.

It has been submitted on behalf of complainant that petitioners have not detailed pendency of all the cases against him and instead thereof, under para-3 of the instant petition had incorporated presence of only one case. To meet the aforesaid allegation, supplementary affidavit has been filed on behalf of petitioners explaining the event.

So far allegation part is concerned, it is apparent that complainant had not alleged that document was prepared impersonating Vijay Singh. Therefore, documents has rightly been executed, accepted and registered. Once the documents has been registered, that has got legal acceptance, validity, recognition which could be frustrated only by a verdict of a competent civil court.

Learned counsel for the complainant failed to disclose whether any title suit has been filed for cancellation of the aforesaid documents and if so, the result.

Accordingly, petitioners **Arvind Kumar Singh, Naveen Kumar Singh @ Naveen Singh, Sanjeet Kumar Singh @ Sanjeet Singh** each are directed to 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 learned **Chief Judicial Magistrate, East Champaran at Motihari** in connection with **Complaint Case No.2273(c) of 2012** in the event of their arrest / surrender within four weeks in terms of condition so laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

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