

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47765 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -SIWAN MUFFASSIL District- SIWAN

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Kamrul Raja, S/o Late Mahmuddin, R/o Village- Ehakia, P.S. Muffasil
(Siwan) District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 06-11-2015

Prayer is made on behalf of learned counsel for the petitioner for time. Yesterday the case was heard at length and when the Court was to pass orders, learned counsel had submitted that there was a senior engagement and due to misconception, he has assisted the Court and to justify the said engagement, prayer was made for pass over. The Court under such background, by way of indulgence, had passed over the matter. Today, again prayer is made for adjournment, which this Court considers to be totally unreasonable and accordingly, the prayer stands rejected. On the query of the Court as to whether he wants to further assist the Court, the answer is in the negative.

Learned A.P.P. for the State is present and has been heard.

The petitioner apprehends arrest in Siwan (Mufassil) P.S. Case No. 103 of 2014 dated 07.03.2014 instituted under Sections 420/467/468/471/472/255/258/259/260/120B

of the Indian Penal Code.

The allegation against the petitioner is of running the business of fake stamp in his house.

Learned counsel for the petitioner submits that the house does not belong to him as it is in the name of the wife whom he had divorced in the year 2001 itself. In support of the same, copy of notarized '*Talaqnama*' has also been brought on record. It is submitted that the petitioner is 75 years of age and not concerned with what happens in the house of his ex-wife. It is further submitted that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the document relating to divorce is clearly a created document only for the purposes of having a defence before the Court and further that it is common practice that the property is bought in the name of the spouse. It is stated that the age of the petitioner is immaterial as he is not alleged to have committed any crime of physical nature and rather it is a white collared crime where fake stamps and manufacturing equipment have been recovered from his house even though it may be in the name of the wife. It is further submitted that such activity which affects the revenue of the State are serious in nature.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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