

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8049 of 2013

Arising Out of PS.Case No. -112 Year- 2012 Thana -HARIZAN District- BEGUSARAI

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Bishwanath Paswan. Son of late Mangal Paswan, resident of Hariom Nagar
Choti Balia, P.S. Balia in the district of Begusarai.

.... Petitioner/s

Versus

1. State of Bihar
2. Manoj Kumar Mahto, son of late Asrafi Mahto, resident of Choti
Balia, Patel Chowk, P.S. Balia in the district of Begusarai.

.... Opposite Party/s

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Appearance:

For the Petitioner : Mr. Akhilesh Prasad Singh, Sr.Advocate
Mr. Surya Swetabh, Advocate

For the OP No. 2 : Mr. Binod Kumar, Advocate

For the State : Mr. Jitendra Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

10 07-10-2015 Heard learned Senior Counsel for the petitioner, learned
counsel for the OP No. 2 and learned APP for the State.

2. The present petition has been filed for cancellation of
anticipatory bail granted to the OP No. 2 by the order dated
21.01.2013 in Cr. Misc. No. 2160 of 2013 arising out of
Begusarai S.C/S.T. P.S. Case No. 112 of 2012.

3. It has been submitted on behalf of the petitioner that
the OP No. 2 has managed to secure order of anticipatory bail
in his favour upon showing that an amount of Rs. 6,20,000/-
had already been repaid to the son of the informant-petitioner
as indicated in the 'panchnama' dated 10.10.2012, but the
latter document was a forged one.

4. In that view of the matter this Court by its order dated 15.05.2013 directed the learned trial Court to take necessary steps for obtaining a report from the F.S.L., Patna with regard to the genuineness of the signature of the son of the informant petitioner for comparison of his signature on the said 'panchnama' dated 10.10.2012 with his admitted signature.

5. The report of the F.S.L., Patna has now been received in H.W.164/2013 which however is not conclusive with regard to genuineness of the signature on the 'panchnama'.

6. In that view of the matter, this Court is not satisfied to order for cancellation of the anticipatory bail granted to the OP No. 2 in terms of its order dated 21.01.2013 in Cr. Misc. No. 2160 of 2013.

7. It is however made clear that this order shall not come in the way of the informant-petitioner from moving the learned trial Court for obtaining a fresh expert opinion from outside the State of Bihar, if so advised, in course of the trial.

8. Cr. Misc. No 8049 of 2013 stands dismissed.

(Vikash Jain, J)

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