

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10029 of 2016

Arising Out of PS.Case No. -1212 Year- 2015 Thana -SARAN COMPLAINT CASE District- SARAN

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1. Birendra Kumar Singh son of Ram Janam Singh, resident of village- Spring Delsh School, Nutan Nagar, P.S.- Civil Lines, District- Gaya
 2. Ajay Kumar Singh, son of Sri Udit Narayain Singh, resident of village- Pindaseen, P.S.- Dobhi (Sherghati), District- Gaya, at present Siddarthpuri Colony Road NO. 2, P.S.- Muffasil, District- Gaya
 3. Dharmendra Kumar, son of Late Durga Singh resident of village- Rasulpur, P.O- Buniyadganj, P.S.- Muffasil, District- Gaya
 4. Devendra Singh, son of Late Sidhi Singh, resident of village- Dunar, P.O.- Jhakhin, P.S.- Rafiganj, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh, son of Chandradeep Singh, resident of village- Mahui, P.O.- Bigha Thana, P.S.- Manjha, District- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh
For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-04-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 323/384/506 of the Indian Penal Code.

It is submitted on behalf of the petitioners that the case against the petitioner is that he had been working as the *Munshi* of the construction firm, namely, M/s Shivam Construction. It was for the execution of works that money was being transferred into



his account periodically for implementation and execution of the work projects. Learned counsel for the petitioners submits that actually there was an agreement between the parties and both were functioning as partners and the petitioner was not merely functioning as *Munshi*. It is submitted that though there is allegation that the agreement in question itself is a sham document, the complainant himself taking recourse to such a plea has taken the benefit of anticipatory bail from this Court in Cr. Misc. No. 23929 of 2015 vide order dated 16.12.2015. In the order passed aforementioned this Court after considering all the aspect of the matter has given liberty to the informant of that case to have the veracity of the aforementioned agreement verified from the Forensic Science Laboratory, Patna. It appears that till date as has been the common submission of both the parties, the authenticity of the said documents remains to be verified.

However, considering all aspects of the matter and taking into consideration, the fact that complainant himself has faced prosecution for non-compliance of the agreement which is a part of the subject-matter of this case, it would be in the interest of justice to let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on

furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Complaint Case No. 1212 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that if at all the documents after verification is found to be a forged document, it shall be open to the parties to seek appropriate recourse in a Court of competent jurisdiction.

(Anjana Mishra, J)

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