

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43861 of 2016

Arising Out of PS.Case No. -203 Year- 2014 Thana -DUMRAON District- BUXAR

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Awadhesh Kumar Singh, Son of Late Sheo Kailash Singh, resident of village-
Showal, Police Station- Krishna Braham in the District of Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Santosh Chaubey, Son of Hari Shankar Chaubey, resident of village- Khirauli,
Police Station- Dumraon in the District of Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr.
Advocate

For the State : Ms. Anita Kumari Singh, Advocate
Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in Dumraon P.S.

Case No. 203 of 2014 dated 08.06.2014 instituted under Sections
406/420/467/468/471/120B/323/504/506 of the Indian Penal Code.

The allegation against the petitioner, who is a deed
writer at the local registry office, of scribing wrong facts inasmuch
as, the land which was co-owned by the informant was shown to
belong to others and a sale deed executed.

Learned counsel for the petitioner submits that he is
only a deed writer in the registry office and is not supposed to be
aware of the factual position with regard to the land in question. It is
further submitted that the said deed is scribed on the basis of what is
stated by the parties and there is no occasion for any verification and

rather, the petitioner does not have the wherewithal to verify such statement. It is submitted that the petitioner is a scribe by profession, earning his livelihood, without having any interest in the property about which he scribes the deed.

Learned APP submits that the local deed writers are well aware of the parties as well as the position of the land in the revenue records and, thus, it cannot be said that the petitioner was unaware of the ground reality, but still he has scribed something which is not the truth, in the sale deed. It is submitted that such act does not disclose *bona fide* conduct on his part.

Having considered the rival contentions, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders before the Court below and seeks regular bail within one month from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	