

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55954 of 2015

=====

Kamaldeo Narayan Shukla son of Dasrath Shukla, Resident of village-
Khajuhatti, P.S.- Baikunthpur, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

For the Opposite Party/s : Mr. Smt.Veena Kumari Jaiswal(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 27-04-2016

The present application has been filed for modification of order dated 05.11.2015 passed in Cr. Misc. No. 43767 of 2015 with regard to some factual error in the narration of prosecution case.

In paragraph 3 of the order dated 05.11.2015 it has been recorded that the petitioner is accused in Chapra Muffassil P.S. Case No. 83 of 2005. In the said case the accused persons produced forged partnership and lease deed before the concerned court and on the basis of the same the petitioner was granted bail in the aforementioned case.

It is submitted by learned counsel for the petitioner that the petitioner was not named accused in Chapra Muffasil P.S. Case No. 83 of 2005. The said case was filed against Rameshwar Singh, Vijay Singh and Durugan @ Nagmani Bhagat and others.



In the circumstances, let in paragraph 3 of order dated 05.11.2015 be read as the prosecution case is that the informant being proprietor of a petroleum dealership, known as Maa Vindhyavashini Service Station filed complaint case against Rameshwar Singh and others which ultimately came to be registered Chapra Muffasil P.S. Case No. 83 of 2005 under Sections 406, 467, 471 and 420/34 of the Indian Penal Code. The petitioner was not named accused in Chapra Muffasil P.S. Case No. 83 of 2005. Subsequently, Rameshwar Singh and others obtained bail in Chapra Muffasil P.S. Case No. 83 of 2005 by producing forged partnership and lease deeds. Subsequently, on the application of the informant, the inquiry was conducted and I.O. submitted a report that Rameshwar Singh and others submitted forged partnership and lease deed but police did not take any action. The informant further alleged that co-accused Vijay Singh and the petitioner being the brother of the informant withdrew huge amount by forging the signature of the informant on the cheque book in collusion with the bank employees. The petitioner and others also submitted forged documents in Sales Tax Department.

It is submitted by learned counsel for the petitioner that the present FIR being Chapra Mussafil P.S. Case

No. 10 of 2006 is the off suit of the earlier case in which the petitioner was not named accused and the petitioner is the own brother of the informant and due to property dispute accusation has been levelled.

In view of the fact that the petitioner was not named accused in earlier case and the accusation has been levelled in the background of property dispute, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Chapra Muffasil P.S. Case No. 10 of 2006 pending in the court of learned CJM, Saran at Chapra. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, the order dated 05.11.2015 passed in Cr. Misc. No. 43767 of 2015 stands modified to the extent indicated above and this modification application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--