

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42624 of 2017

Arising Out of PS.Case No. -549 Year- 2016 Thana -KOTWALI District- PATNA

1. Uttam Raj, aged about 26 years, Son of Late Vijay Kumar, Resident of Village- Mohammedpur, Post- Asthawa, P.S.- Asthawa, District- Nalanda. At present C/O Punam Singh, Road NO.- 8, Rajeev Nagar, P.S. Rajeev Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Vikram, Adv.

For the Opposite Party/s : Mr. Sri Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 21-09-2017

Heard the learned counsel for the

petitioner and learned Additional Public Prosecutor for the State.

There is no dispute that the petitioner is brother of co-accused Mamta Kumari. Mamta Kumari had filed a Cr.Misc.No.28801 of 2016 for grant of anticipatory bail in connection with Nawada Town P.S.Case No.702 of 2015 registered under Sections 420, 467, 468, 471 of the Indian Penal Code. In that anticipatory bail application, she enclosed forged papers knowingly and deliberately and the petitioner is said to have sworn affidavit as younger brother of Mamta Kumari and claiming to have full knowledge of facts and circumstances of the case.



After enquiry by the Registrar (Vigilance), regarding filing of forged papers in court proceeding, the present FIR has been filed against the petitioner also.

Now submission of the petitioner is that the signature of the petitioner has been forged on the affidavit in Cr.Misc. No.28801 of 2016.

Considering the nature of allegation against the petitioner, I am not inclined to admit the petitioner on anticipatory bail. Hence the prayer is refused.

However, it is made clear that if the petitioner raises the question before the court below that his signature on affidavit has been forged, let an enquiry be conducted by the said court and statement of co-accused Mamta Kumari be taken therein alongwith statement of B.Kumar , advocate clerk attached with Mr. M.Kumar, advocate, Registration No. 366 of 2016. The Registry shall verify the full name of the advocate clerk who is registered vide Registration No.366 of 2016. If it is found that the said Registration No. is not of any B.Kumar then the learned court below shall be at liberty to question Mr. Rajesh Ranjan Kumar, advocate bearing A.O.R.No.02006 after noticing him who had filed the



aforesaid Cr.Misc. No.28801 of 2016 and shall take appropriate action whoever is found at fault/responsible.

(Birendra Kumar, J)

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