

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50688 of 2017

Arising Out of PS.Case No. -174 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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1. OM PRAKASH PRASAD.
2. PRADEEP KUMAR.
BOTH SONS OF LATE CHANDRADEO PANDIT.
3. SARITA DEVI, WIFE OF PRADEEP KUMAR.
4. LALITA DEVI, WIFE OF OM PRAKASH PRASAD.
5. MOST. CHAMPA DEVI WIFE OF LATE HARINATH PANDIT.
ALL ARE RESIDENT OF VILLAGE-BASOPALI, P.S.-SIWAN
MUFFASIL, DISTRICT-SIWAN. PETITIONER/S

VERSUS

THE STATE OF BIHAR OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Raghav Prasad, Adv.
For the Opposite Party/s : Mr. Sri Ajay Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

From perusal of certified copy of Siwan Muffasil P.S.
Case No.16/2017 instituted at the end of Gyatri Devi, wife of
Suchitanand Pandit of village-Fatehpur, P.S.-Siwan Town,
District-Siwan, D/o Most. Sarla Devi, it is evident that the
informant/complainant of this case Most. Sarla Devi, wife of late
Chandradeo Pandit of village-Karpura Tola Basopatti, P.S.-
Muffasil, District-Siwan was murdered on 10.01.2017 itself.
Somebody else took the advantage of dispute amongst the family
members got the date over complaint petition typed as 10.01.2017,
though it was filed on 17.01.2017 for that the signature of learned
counsel happens to be 10.01.2017/17.01.2017 and lastly vide order
dated 08.03.2017, the learned lower court had directed the local
police station to register and investigate the case. That means to
say on 17.01.2017, on which date complaint was filed the real



complainant was already dead. So, it happens to be a case of misrepresentation/impersonation having at the end of somebody else and that being so, appellant would not have been arrested and remanded in this case because of the fact that instant case would not be maintainable in the aforesaid facts and circumstances of the case.

The learned Additional Public Prosecutor submits that if the said situation had really happened then it happens to be of grave concern.

The learned lower court is directed to procure a report from the S.P., Siwan on this very score within fortnight and will decide the issue. It is surprising that both the cases happen to be pending before Mufassil P.S. one happens to be Siwan Muffasil P.S. Case No.16/2017 and the instant one happens to be Siwan Muffasil P.S. Case No.174/2017. Furthermore, the learned lower court will also see that it happens to be a forgery committed with the court and that being so, the court will take appropriate action as is found legally competent enough to take proper action against the culprit. Till exercising of the aforesaid event, the learned lower court will release the petitioner on provisional bail to its own satisfaction immediately. After conclusion of the aforesaid exercise, the learned lower court will place a detail report to this Court.

With the aforesaid direction instant petition is disposed of.



Office to communicate and procure compliance report and will place the same.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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