

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53676 of 2018

Arising Out of PS. Case No.-817 Year-2016 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Ram Kishore Singh @ Tullu Babu @ Ram Kishore Sinha son of Late
Chandra Madhav Prasad Singh, resident of Village - Bochahan, Police Station
- Bochahan, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 05-12-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 420, 406,
467, 468, 471/34 and 120B of the Indian Penal Code.

In pursuance of order dated 27.11.2018, petitioner is
physically present in Court and he has signed on the
Vakalatnama already filed in the case in Hindi.

The informant is caretaker of Late Dr. Ashish Narayan
Singh in pursuance of a power of attorney executed by Late Dr.
Ashish Narayan Singh. Dr. Ashish Narayan Singh was son of
eminent Doctor of Patna Late Dr. Shiv Narayan Singh.



According to FIR, Dr. Shiv Narayan Singh died in the year 1991. After death of Dr. Shiv Narayan Singh, the petitioner was caretaker of the property of Dr. Shiv Narayan Singh for the reason that most of the properties were purchased by Late Dr. Shiv Narayan Singh from father of this petitioner. Since two years, the petitioner did not give any account of the income of the property. Thereafter, on inquiry, it revealed that most of the properties were already sold by Late Dr. Shiv Narayan Singh in the year 1998 in favour of different persons. In some of the documents, the petitioner is a witness. Allegation is that when the Dr. Late Shiv Narayan Singh was already dead in the year 1991, the documents created as sale deed in the year 1998 were certainly created by impersonation by some fictitious person. Since, the petitioner was a witness on that document, he was aware of the forged and fictitious transaction of the year 1998.

Submission of learned counsel for the petitioner is that, in fact, the petitioner is not a witness on any of the sale deeds, in the circumstances, the disputed signature and admitted signature on the sale deed is yet to be established during the trial. His further contention is that there is no law of pretrial punishment, unless the Court is satisfied that petitioner was involved in the said transactions. The gray area is always there



which creates serious doubt on the prosecution case. Moreover, the entire allegation has come after years of death of Late Dr. Shiv Narayan Singh or the sale transaction. The purchasers of the property have already filed civil suit for redressal of their grievances. Besides the purchasers Late Dr. Ashish Narayan Singh had also filed a civil suit for ventilation of grievance.

On the other hand, learned counsel for the complainant opposed the prayer for anticipatory bail on the ground that *prima facie* material is there on the record to substantiate that the petitioner knowingly witnessed the sale deeds which was not actually executed by Late Dr. Shiv Narayan Singh and, as such, deliberately participated as party to the fraud.

Considering the entire facts of this case, especially, denial of the signature by the petitioner on the sale deed, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Nagar (Town) Police Station Case No. 817 of 2016, subject



to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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