

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37604 of 2018

Arising Out of PS.Case No. -828 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Anil Kumar Mehta @ Anil Kumar @ Binod Kumar @ Binad Kumar,
Son of Late Hari Nath Mehta
 2. Usha Devi, Wife of Anil Kumar Mehta @ Anil Kumar @ Binod Kumar,
Both resident of Mohalla - Pitambra Mandir Colony, P.S. - Alamganj,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arun Kumar @ Munna as per complain petition Arun Kumar @ Anil
Kumar, Son of Harinath Mahto, Resident of Mohalla - Pitambra Mandir
Colony, P.S. - Alamganj, Dist- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate
Mr. Bindeshwar Prasad Singh, Advocates.
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 06-10-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 420,
467 and 468 of the Indian Penal Code.

Petitioner No. 1 Anil Kumar Mehta is full-brother
of the complainant. Case of the complainant is that, in fact,
complainant Arun Kumar has alias name Anil Kumar and name of
the petitioner is, in fact, Binod Kumar. Said Binod Kumar



impersonating himself as Anil Kumar sold away some purchased property in the name of Anil Kumar.

Learned counsel for the petitioner submits that the petitioner has produced matriculation certificate of the complainant wherein name of the complainant is mentioned as Arun Kumar. The petitioner has further produced his marriage certificate issued by the temple where marriage of the petitioner was solemnized, whereas name of the petitioner is mentioned as Anil Kumar. Parentage is the same.

Learned counsel for the informant submits that the same dispute regarding identity of the petitioner no. 1 was there in a civil suit which would be evident from order of this Court passed in Civil Revision No. 1710 of 1988 at page 98.

Therefore, entire matter appears to be a disputed question of fact which shall be decided in course of the trial only.

Hence, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with CA Case No. 828 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 petitioners 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 petitioners.

(Birendra Kumar, J)

Kundan/Rajan

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