

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.28533 of 2019

Arising Out of PS. Case No.-1267 Year-2018 Thana- SASARAM NAGAR District- Rohtas

MOHAMMAD ZAKIR HUSSAIN @ MO. ZAKIR HUSSAIN @ MD. ZAKIR HUSSAIN, aged about 37 years, Male, Son of Md. Nesar Ahmad Ansari, Resident of Village- Yusuf Chak Takiya Sasaram, P.S.- Sasaram, District- Rohtas at Sasaram. At present -In Charge record keeper cum Lab. Technician, Sadar Hospital, Sasaram, P.S. Sasaram, District-Rohtas at Sasaram

... Petitioner

Versus

The State of Bihar

... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 28845 of 2019

Arising Out of PS. Case No.-1267 Year-2018 Thana- SASARAM NAGAR District- Rohtas

DR. SIDHESHWAR PRASAD SINGH @ SIDHESHWAR PRASAD SINGH, aged about 62 years, Male, Son of Rang Bahadur Singh Resident of Village - 118, Kumhau, P.S.- Shiv Sagar, Dist.- Rohtas

... Petitioner

Versus

The State of Bihar

... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 29925 of 2019

Arising Out of PS. Case No.-1267 Year-2018 Thana- SASARAM NAGAR District- Rohtas

RABINDRA SINGH @ SHRI RABINDRA SINGH @ SHRI RABINDRA KUMAR SINGH, aged about 41 years, Male, Son of Ram Bhajan Singh Resident of Village - Khaira, P.S.- Darigaon, District – Rohtas

... Petitioner

Versus

The State of Bihar

... Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28533 of 2019)

For the Petitioner : M/s Jai Prakash Singh, Usha Rai & Arti Kumari, Advs.

For the Opposite Party : Mr. Chandra Sen Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 28845 of 2019)

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Adv. with
Mr. Bhaskar Shankar, Adv.

For the Opposite Party : Mr. Abhay Kumar, Adv.

(In CRIMINAL MISCELLANEOUS No. 29925 of 2019)

For the Petitioner : Mr. Krishna Kant Singh, Adv.

For the Opposite Party : Mr. Umanath Mishra, APP

(In all the cases)

For the Informant : Mr. Rameshwar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 09-08-2019 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with

Sasaram (Model) P.S. Case No. 1267 of 2018 for the offences



alleged under Sections 420, 458 and 471 of the Indian Penal Code.

The accusation is that due to land dispute occurrence of marpeet took place on 22.12.2017 in between two groups and both the groups lodged the first information report. Indradeo Singh, member of one group lodged Darigaon P.S. Case No. 1928 of 2017. The injured, Rabindra Singh @ Shri Rabindra Singh @ Shri Rabindra Kumar Singh, of Darigaon P.S. Case No. 1928 of 2017 was treated at Sadar Hospital, Sasaram, by Dr. Sidheshwar Prasad Singh @ Sidheshwar Prasad Singh (petitioner in Cr. Misc. No. 28845 of 2019) and after x-ray he reported the injury of injured, Rabindra Singh @ Shri Rabindra Singh @ Shri Rabindra Kumar Singh (petitioner in Cr. Misc. No. 29925 of 2019) simple in nature. Rabindra Singh @ Shri Rabindra Singh @ Shri Rabindra Kumar Singh, in collusion with his brother, Indradeo Singh, under conspiracy, obtained the forged medical certificate in collusion of Mohammad Zakir Hussain @ Md. Zakir Hussain @ Md. Zakir Hussain (petitioner in Cr. Misc. No. 28533 of 2019) Record Keeper-cum-Technician, and Abhay Kumar, staff of medicine store of the medicine of the Patna Medical College and Hospital, Patna, and, thereafter, same was produced before Dr. Sidheshwar Prasad



Singh @ Sidheshwar Prasad Singh (petitioner in Cr. Misc. No. 28845 of 2019), who on that very basis made report to the effect that injury of Rabindra Singh @ Shri Rabindra Singh @ Shri Rabindra Kumar Singh (petitioner in Cr. Misc. No. 29925 of 2019) is grievous in nature.

Learned counsel appearing for Dr. Sidheshwar Prasad Singh @ Sidheshwar Prasad Singh (petitioner in Cr. Misc. No. 28845 of 2019) submits that in fact he issued the supplementary injury report on the basis of C.T. Scan produced by the informant, Indradeo Singh, of Darigaon P.S. Case No. 1928 of 2017, brother of injured, Rabindra Singh @ Shri Rabindra Singh @ Shri Rabindra Kumar Singh (petitioner in Cr. Misc. No. 29925 of 2019).

Learned counsel appearing for Mohammad Zakir Hussain @ Md. Zakir Hussain @ Md. Zakir Hussain (petitioner in Cr. Misc. No. 28533 of 2019) submits that this petitioner is the record keeper and his duty was only to keep the record and prescription properly.

Learned counsel appearing for Rabindra Singh @ Shri Rabindra Singh @ Shri Rabindra Kumar Singh (petitioner in Cr. Misc. No. 29925 of 2019) submits that in fact he had sustained injury in the occurrence regarding which his brother, Indradeo



Singh, has lodged Darigaon P.S. Case No. 1928 of 2017 and he had no role in obtaining the alleged forged C.T. Scan report.

Learned Additional Public Prosecutor for the State as well as the learned counsel for the informant oppose the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Sasaram (Model) P.S. Case No. 1267 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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