

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30054 of 2018**

**with**

**Token No. (Cr.Misc..) - 28283 of 2018**  
(Rohit Kumar @ Rohit Tiwari & Anr. Vs. State of Bihar)

Arising Out of PS. Case No.-36 Year-2018 Thana- DEHRI TOWN District- Rohtas

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1. Rohit Kumar @ Rohit Tiwari
  2. Chandan Tiwari @ Rahul Tiwari Both S/o Nand Kishore Tiwari, R/o Vill.- Bhaluari, P.S.- Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Deovind Kumar Singh  
For the Opposite Party/s : Smt. Sahin Begam

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

16    10-04-2019                      As per the order dated 15.05.2018, the matter was referred for an enquiry to be conducted by the Registrar General, Patna High Court, as the present anticipatory bail application was filed with suppression of fact.

On the earlier occasion also, the petitioners had preferred anticipatory bail application, but the said fact was not stated in the present application.

An enquiry report dated 03.04.2019 has been submitted by the Registrar General, Patna High Court in pursuance of the order dated 15.05.2018.

The enquiry report submitted by the Registrar General, Patna High Court is as follows :



**ENQUIRY REPORT**

**Cr.Misc.No. - 30054/2018**

with

**Token No. (Cr.Misc..) - 28283 of 2018**

**(Rohit Kumar @ Rohit Tiwari & Anr. Vs. State of Bihar)**

**Before the Hon'ble Bench presided over by  
Hon'ble Mr. Justice Sudhir Singh**

**My Lord,**

In the light of the direction of Hon'ble Bench dated 15.05.2018, the undersigned was directed to make proper inquiry and take necessary action, when the Hon'ble Bench found para no.2 of the anticipatory bail application vide Cr. Misc. No.30054/2018 that petitioners have suppressed the facts in para no.2 that the present application is the second anticipatory bail application.

Before discussing in detail about the evidence collected, the main fact moving around is enumerated at the early that on behalf of Sri Rohit Kumar @ Rohit Tiwari and others previously an anticipatory bail application was filed, which was registered under Token No. (Cr.Misc.) - 28283/2018, indicating that the same was not listed but in the meantime the present Cr. Misc. No.30054/208 was filed on behalf of same petitioners. Earlier the bail application was filed by the learned Advocate Sri Rajesh Kumar Singh (AOR No.01700), which was till under process of listing but the second application has been filed by learned Advocate Sri Deovind Kumar Singh, AOR No.01156 while prima facie it was apparent from the report itself that earlier



also application for bail has been filed on behalf of same petitioners but neither the advocate nor the pairvikar nor petitioners had taken care otherwise this application should have been at the initial stage not maintainable and due process was required to get it withdrawn but instead of adopting the same, filed a fresh application. Hence, the Advocate Sri Rajesh Kumar Singh or the Advocate's clerk of the same do not appear to be at fault and in support of the same at the same juncture, it is necessary to place that affidavit attached with the token no. 28283/2018 appears to have been sworn by Smt. Prabha Devi, bears the signature of Smt. Prabha Devi, who is none else but mother of Sri Rohit Kumar @ Rohit Tiwari and Chandan Tiwari @ Rahul Tiwari. Affidavit attached with Cr. Misc. No.30054/2018 also bears the affidavit sworn by Smt. Prabha Devi but affidavit shows the thumb impression of Smt. Prabha Devi. Genuineness of the affidavit in both the applications have come under doubt that which of the affidavits is true. Because of the fact that it is worse to mention that Smt. Prabha Devi in her evidence has stated that she does not know how to sign showing the fact that she is illiterate. If the previous fact is taken into consideration, that question becomes very horrible to consider that which of the application is genuine. Some variation has also been recorded into the evidence that Sri Chandan Tiwari @ Rahul Tiwari has stated in his evidence that he had signed on both the vakalatnama, while Rohit Kumar @ Rohit Tiwari has also stated in his evidence that he had signed the vakalatnama only in Cr. Misc. No.30054/2018. Here it is



also relevant to place that if the aforesaid facts are considered then it appears that Advocate's clerk who have identified on both the affidavits are separate to each other but their identification is also under doubt. No doubt that Smt. Prabha Devi had identified her thumb impression on affidavit which is said to have been filed second time but same is also made questionable while out of two sons of Smt. Prabha Devi one has said and identified his signature upon the vakalatnama of token no. (Cr. Misc.) - 28283/2018.

The evidence of Smt. Prabha Devi as well as sons of Smt. Prabha Devi of course shows that they were knowing about their applications, hence, the advocates, may not be said to have been directly involved but after scrutiny of the evidence, it goes without saying that petitioners of both applications, the deponent Smt. Prabha Devi, Advocate's Clerk of both cases in connivance to each other have committed fraud and also tried to suppress the fact and they required to be suitably punished.

Accordingly, Legal Cell, Patna High Court, Patna is directed to take steps for lodging the criminal case against the aforesaid persons and accordingly, this report stands concluded and submitted to the Hon'ble Bench for its kind perusal and information or further instruction, if any.

Sd/-  
3/4/2019  
(B B Pathak)  
Registrar General



The enquiry report dated 03.04.2019 submitted by the Registrar General, Patna High Court is accepted.

Considering the enquiry report dated 03.04.2019 submitted by the Registrar General, Patna High Court, the present anticipatory bail application of the petitioners is rejected in connection with Dehri (Indrapuri) P.S. case No.36 of 2018, pending in the court of Addl. Sessions Judge II-cum-Spl. Judge, Excise, Rohtas at Sasaram.

The Registrar General, Patna High Court is directed to proceed in the light of the report dated 03.04.2019 submitted by him.

Let the case record be placed before the Registrar General, Patna High Court for the needful.

**(Sudhir Singh, J)**

Narendra/-

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