

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60841 of 2019

Arising Out of PS. Case No.-142 Year-2019 Thana- MAHARAJGANJ District- Siwan

Vivekanand Sinha Son of Late Santan Gopal Sinha Resident of Village -
Patedha, P.S.- Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramadhar Shekhar with Mr. Anand Kumar, Advocates
For the Opposite Party/s	:	Mr.Mohammed Arif APP
For the Informant	:	Mr. Umesh Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 26-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel representing the petitioner, informant
and learned counsel for the State are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner, informant and
the learned APP for State.

Petitioner apprehends arrest in connection with
Maharajganj P.S. Case no. 142 of 2019 instituted for the offence
under Section(s) 420,467,468,471 and 120B of the Indian
Penal Code.



The informant has alleged that taking advantage of informant's residence in Kolkatta, the petitioner has pocketed the entire compensation amount in respect of acquisition of the joint family land from the Railway. It is alleged that by obtaining a genealogical certificate from the Circle Officer Maharajganj dated 26.5.2009 bearing No. 293 showing himself to be the only legal heir of late Santan Gopal Sinha, the petitioner has usurped the entire amount of compensation.

The petitioner's counsel submits that the allegations are predominately civil in nature. One Title suit filed by the petitioner is pending. It is further submitted that the informant's claim to the land in- question is thoroughly misplaced as the said land fell in the petitioner's share.

The issue in so far as the rival claim for the compensation of the joint family land is concerned, may possibly be viewed as a civil dispute.

The counsel for the informant and State have opposed the prayer for bail by submitting that the petitioner himself has filed a Tittle suit, wherein, he has impleaded the informant as his full brother. In the circumstances, obtaining a genealogical certificate showing himself to be only legal heir and pocketing the entire compensation amount cannot be said to a civil matter.



The same amounts to forgery in collusion with the State authorities.

Considering the rival submission, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer is rejected.

Rejection of this application, however, shall not prejudice the petitioner's claim for grant of regular bail which may be considered as per its own merit.

(Madhuresh Prasad, J)

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