

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36550 of 2020

Arising Out of PS Case No.-185 Year-2019 Thana- TARAPUR District- Munger

Kailash Jha, aged about 53 years, Male, Son of Mevalal Jha, Resident of Village - Teghra, PS - Kharagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar Singh, Advocate
For the State	:	Ms. Anita Kumari, APP
For the Informant	:	Mr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Narendra Kumar Singh, learned counsel for the petitioner; Ms. Anita Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Rajesh Kumar Singh, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Tarapur PS Case No. 185 of 2019 dated 14.12.2019, instituted under Sections 419, 420, 467, 468 and 471/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he being the Deed Writer was party to a fraudulent sale deed where the land of the informant was sold by a lady claiming herself to be the informant.

5. Learned counsel for the petitioner submitted that he is only the Deed Writer and has no role in any fraud as he was not



privity to the factual position and is only the scribe. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner is a key player and the entire process of registration is routed through him.

7. Learned counsel for the informant submitted that the petitioner is both *Katib* as well as *Karamchhari* in the concerned Sub Registry Office and, thus, was fully aware of the correct factual position and in fact it is the *Katib* who ensures that all documents required are in order and also guides the parties with regard to the modalities, including the requirement of identity proof of the person appearing before the Sub Registrar to execute the deed of transfer. Thus, it was submitted that in the entire episode of the fraud committed, the petitioner had a crucial role.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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