

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37191 of 2020

Arising out of PS. Case No.-985 Year-2019 Thana- ARA NAWADA District- Bhojpur

Rinku Devi, aged about 34 years, wife of Santosh Singh @ Santosh Kumar Singh Resident of Village- Chaurai, P.O.- Bhelai, P.S.- Udwanthnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Singh, Advocate
For the State	:	Mr. Binod Kumar No. 3, APP
For the Informant	:	Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Arun Kumar Singh, learned counsel for the petitioner; Mr. Binod Kumar No. 3, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Manish Kumar, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Ara Nawada PS Case No. 985 of 2019 dated 20.11.2019, instituted under Sections 420/467/468/471/34 of the Indian Penal Code.

4. The allegation against the petitioner is that she had personated Urmila Devi, daughter of Sudarshan Mahto, while executing a sale deed in favour of co-accused Dayanand Singh.



5. On 09.07.2021, learned counsel for the petitioner had submitted that he would file an affidavit categorically stating that she was not the person who had appeared before the authority to execute the sale deed. The same has not been done. Learned counsel submitted that despite having been informed, nobody has turned up to file such affidavit. However, it was submitted that the husband of the petitioner, a witness of the sale deed and the identifier, who are co-accused, have been granted anticipatory bail by the Court.

6. Further, on 09.07.2021, in view of stand taken that the petitioner was ready and willing to appear before the Superintendent of Police, Bhojpur who may get an exercise conducted of comparing/verifying the photograph in the sale deed in question and give a report as to whether the said photograph is that of the petitioner or not, such direction was issued. In terms thereof, a report has been submitted by the Superintendent of Police, Bhojpur dated 05.08.2021. From the same it transpires that the petitioner appeared before the Superintendent of Police, Bhojpur along with her Aadhar and photograph and the Superintendent of Police, Bhojpur had called the Investigating Officer of the case who has reported that the petitioner's photograph on the Aadhar card is the same as that of the person of



the sale deed in question. However, it was stated that expert opinion would be required.

7. The Court finds substance in the stand of the Superintendent of Police, Bhojpur that a final opinion can be given only by the expert. However, for the purposes of forming a tentative and *prima facie* opinion for which the said exercise was undertaken, that too, at the behest of learned counsel for the petitioner himself, once the photograph produced by her before the Superintendent of Police, Bhojpur has been found to tally with the photograph on the sale deed, for the purpose of the present case no further direction is required by this Court.

8. Learned APP and learned counsel for the informant submitted that the specific allegation with regard to the petitioner is that she had appeared before the registering authority and presented herself as Urmila Devi, daughter of Sudarshan Mahto. With regard to bail having been granted to the husband of the petitioner, a witness and the identifier, it was submitted that the same was in absence of a specific report, as has been made available in this case by the Superintendent of Police, Bhojpur, with regard to the photograph of the petitioner on her Aadhar and on sale deed in question being the same, clearly would not entitle the petitioner to seek parity.



9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP and learned counsel for the informant. Once at the behest of petitioner herself, an exercise for comparing her photograph with that on the sale deed *prima facie* appearing to be of the same person and there being no dispute that she is not the lady described in the sale deed, the Court is not inclined to grant pre-arrest bail to the petitioner.

10. Accordingly, the present petition stands dismissed.

11. Interim protection granted to the petitioner under order dated 09.07.2021 stands vacated.

(Ahsanuddin Amanullah, J)

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