

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14170 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- PANDAUL District- Madhubani

CHANDE MUKHIYA S/o Saini Mukhiya R/o Village- Nawada, P.S.- Sakri,
District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ranjan Kumar Srivastava
For the Opposite Party/s :	Mr.Nand Kishore Prasad
	Mr. Ratnakar Jha
	Miss Kusum Rani

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-02-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State, assisted by the learned counsel for the

informant.

The petitioner apprehends his arrest for the

offences alleged under Sections 419, 420 and 406 of the Indian

Penal Code, registered in connection with Pandaul P.S.Case No.

32 of 2020.

The informant Tara Devi is an elected member of

the Matsya Jeevi Sahyog Samiti and the present petitioner is the

elected minister of that Society. As per the allegation, the forged

thumb impression of the informant was obtained on the

resolution of the meeting and thereafter the fishery ponds were

settled. Further allegation is that, by those settlements, the



petitioner is earning illegal money.

The learned counsel for the petitioner has submitted that the entire allegations are false. The informant approached the Commissioner with the allegation that her forged thumb impressions were obtained on the resolution and the learned Commissioner, vide order dated 14.01.2020, found it to be out of his jurisdiction and observed that it is an *inter se* dispute between the members of the Managing Committee and thereafter the learned Commissioner has also observed that the petitioner may take recourses under Section 48 of the Bihar Cooperative Societies Act, 1935 before the Registrar, Cooperative Societies, Bihar Patna. He has further submitted that except the informant, no other member of the Committee has supported the allegation, as has been mentioned in paragraph 16 of the case diary, which contains the supervision note of the SDPO.

Per contra, the learned APP, assisted by the learned counsel for the informant, has submitted that the matter is still under investigation and in the same supervision note, the SDPO has directed to obtain the admitted thumb impression of the informant for expert opinion. He has also submitted that not only the informant but the witness Ram Sevak Mukhiya has



also supported the entire allegation of the commission of forgery by the present petitioner.

The learned counsel for the informant has also submitted that the petitioner possesses **a very strong criminal antecedents** that has itself been disclosed in paragraph no.3 of the bail petition, which shows that **as many as six criminal cases are pending against him** which are as follows:-

(i) Sakri Thana Case No.34/18, offences under Section(s) 415, 448, 341, 323, 354, 379 and 504 and the petitioner is on bail in this case.

(ii) Sakri Thana Case No.123/18, offences under Section (s) 341, 323, 379, 354, 504 and 506 and the petitioner is on bail in this case.

(iii) Sakri Thana Case No. 152/18, offences under Section(s) 147, 149, 341, 323, 354, 379 and 504, name of the petitioner was deleted during investigation in this case.

(iv) Sakri Thana Case No. 44/18, offences under Section(s) 147, 149, 341, 323, 324, 307, 354 and 506, the petitioner is on bail in this case.

(v) Sakri Thana Case No. 55/18, offences under Section (s) 147, 148, 149, 341, 323, 324, 354, 379, 504 and 506, the petitioner is on bail.



(vi) Pandaul Case No. 316/19, offences under Section(s) 341, 223, 379, 307, 506 and 504, name of the petitioner was deleted during investigation in this case.

By referring the order dated 14th October, 2014 in the case of *Rajib Ranjan and others Vs. R. Vijaykumar (2015) 1 SCC 513*, the learned counsel for the petitioner has submitted that if a civil proceeding is culminated, the filing of any criminal proceeding is an abuse of the process of law, but there is nothing on record to show that a civil proceeding has been culminated.

Considering the above facts and circumstances, I do not think it a fit case for grant of anticipatory bail. The prayer for anticipatory bail on behalf of the petitioner is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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