

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6033 of 2020

Arising Out of PS. Case No.-473 Year-2019 Thana- BAHERA District- Darbhanga

SURESH SAHU Son of Mahavir Sahu Resident of Village - Ghoghiya, P.S.-
Bahera, Distt - Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

2. Dipak Kumar Mishra son of Chandrabodh Mishra, R/o-village + P.O. +
P.S. Ghanshyampur, District Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 18-05-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Bahera P.S. Case No. 473 of 2019 registered for the offences
punishable under Sections 467/468/471/420/406/120 (B) of the
Indian Penal Code.

The report of the Senior Superintendent of Police,
Darbhanga dated 08.05.2022 is kept on record.

By order dated 20.04.2022, the Senior Superintendent
of Police, Darbhanga was directed to submit a report as to
whether the tractor and trailer are possession of the petitioner or



not.

The Senior Superintendent of Police, Darbhanga has submitted that his report dated 8th of May, 2022.

From reading the aforementioned report, it appears that the petitioner is a fraudster and has made false submissions before this Court on oath though the affidavit has been sworn by his cousin brother. It has been reported by the Senior Superintendent of Police, Darbhanga that the tractor and trailer were handed over to the petitioner by Dipak Mishra after part payment of the consideration amount was made. The tractor and the trailer were not in the name of the petitioner and the name of the petitioner was not officially transferred in the registration certificate. Thereafter, the tractor and the trailer given to this petitioner met with an accident and in that case the Motor Vehicle Claims Tribunal had passed an order for payment of compensation of Rs. 4,46,800/- against Dipak Mishra as he was the registered owner of the vehicle. Dipak Mishra had no option but to pay the entire compensation amount though the vehicle was being driven by this petitioner. Subsequently, this tractor and the trailer was released from the court below by forging the signature of Dipak Mishra by this petitioner and, thereafter, this tractor and the trailer has been sold to some persons by this



petitioner. This kind of criminal does not deserve any sympathy of this Court.

Considering the facts of the case, the application of petitioner for grant of anticipatory bail is hereby rejected.

The Registrar General of this Court is directed to get an F.I.R. registered in the Kotwali Police Station, Patna, against the petitioner and the deponent (Raj Kumar Sahu son of Ram Prakash Sahu resident of village – Ghoghiya, P.S. Bahera District-Darbhangha) for swearing false affidavit and trying to mislead the Court by suppressing facts.

The Senior Superintendent of Police, Darbhanga is directed to register a case against the petitioner on the basis of the facts which have been brought before this Court in the report dated 08.05.2022. The Senior Superintendent of Police, Darbhanga will get the documents of the Court below examined filed for the release of the tractor and the trailer in the Court below and if it is found that this petitioner has forged the signature of Dipak Mishra then appropriate action should be taken against him after registration of F.I.R. The Senior Superintendent of Police, Darbhanga will also take appropriate legal steps against this petitioner in the present case and other offences of committing forgery and creating false documents are



found to be true against the petitioner those sections be also added in this case.

The Senior Superintendent of Police, Darbhanga and the District Judge, Darbhanga, are directed to take steps for speedy trial of the petitioner if chargesheet is submitted in various cases.

If any recovery suit is filed by Dipak Mishra against the petitioner, the concerned Munsif/Subordinate Judge will expedite the recovery proceeding and will conclude the same within six months of its filing.

The petitioner is directed to surrender in the court below within a week from today. If the petitioner does not surrender within a week from today, the Senior Superintendent of Police, Darbhanga will take all steps for his arrest.

Put up this case on 13th of July, 2022 at 02:15 P.M.

On that date, the action taken report/investigation report/arrest report shall be sent by the Senior Superintendent of Police, Darbhanga to this Court.

Since the petitioner has tried to mislead this Court by making false statements, a cost of Rupees Fifty Thousand is imposed upon the petitioner.

The regular bail application of the petitioner shall only



be considered by the court below when he deposits the
aforementioned cost in the District Legal Aid Committee,
Darbhanga.

Let a copy of the order be communicated to the Senior
Superintendent of Police, Darbhanga through FAX and e-mail
forthwith.

Mr. Ajay Kumar Jha, learned Additional Public
Prosecutor for the State is at liberty to communicate this order to
the Senior Superintendent of Police, Darbhanga through phone
and WhatsApp.

(Sandeep Kumar, J)

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