

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23173 of 2021

Arising Out of PS. Case No.-380 Year-2020 Thana- BIHIA District- Bhojpur

-
1. Prem Prakash Verma @ Pappu Lal @ Prakash Kumar Sinha Son of Shri Shyamakant Verma (Age and Last name are Wrongly Mentioned in the formal FIR and Complaint) Resident of Village - Kharauni, P.S.- Bihiya, Distt.- Bhojpur.
 2. Pankaj Kumar Sinha Son of Shri Shyamakant Verma Resident of Village - Kharauni, P.S.- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Bhavesh Kumar, Advocate
For the State	:	Mr. Madan Kumar, APP
For the Informant	:	Mr. Harsh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 17-01-2022 The matter is being heard through video conferencing due to circumstances prevailing on account of Covid-19 pandemic.

Heard learned counsel for the petitioners and learned APP for the State including Mr. Harsh Singh, learned counsel for the informant.

The petitioners apprehend their arrest in connection with Bihiya P.S. Case No.380 of 2020 registered for offences under Sections 420, 467, 468, 471, 463, 464 and 120B/34 of the Indian Penal Code.

At the very outset, learned counsel for the petitioners



submits that petitioner no. 2, namely, Pankaj Kumar Sinha has been arrested during the pendency of this application. Hence, he prays for withdrawal of the application.

Prayer is allowed. The application for anticipatory bail is dismissed as withdrawn so far as petitioner no. 2, namely, Pankaj Kumar Sinha is concerned.

So far as petitioner no.1, namely, Prem Prakash Verma @ Pappu Lal @ Prakash Kumar Sinha is concerned, the present FIR has been set in motion by the informant for submission of the alleged certificate which is said to have been forged by petitioner no.1 in the name of Prakash Kumar Sinha. It is also alleged that the petitioner has taken admission in NIT, Patna on the basis of the forged certificate.

Learned counsel for the petitioner no.1 submits that the allegation relates to some forgery committed twenty years back and during course of investigation, the police has not been able to connect the petitioner with the crime of forgery. He also submits that there is longstanding dispute between the parties and therefore, the petitioner has now been falsely implicated in other cases by the informant and his wife.

Mr. Harsh Singh, learned counsel for the informant, has vehemently opposed the prayer for anticipatory bail and



relying upon the statements made in paragraphs 26, 60, 62, 76, 77, 83 and 87 of the case diary, submitted that the allegations against the petitioner have been found true during investigation by the police and, therefore, the petitioner does not deserve anticipatory bail.

Considering the submissions of the parties, it appears that root of the present case is personal dispute between the parties for which cases are being filed. The police at the stage of investigation has come to a prima facie finding that the petitioner is involved in forgery but charge sheet has not been submitted till date.

In the opinion of this Court, when the case is based on documentary evidence and the prosecution does not require the custodial interrogation of the petitioner, this application for anticipatory bail is allowed.

Accordingly, let petitioner no.1, namely, Prem Prakash Verma @ Pappu Lal @ Prakash Kumar Sinha, in the event of his arrest or surrender within eight weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-5th, Bhojpur, Ara in connection with Bihiya P.S. Case No.380 of



2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Petitioner no. 1 will join the investigation of the case and cooperate the Investigating Officer in the investigation.

(Sandeep Kumar, J)

BT/-

U		T	
---	--	---	--

