

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35488 of 2021

Arising Out of PS. Case No.-436 Year-2020 Thana- KISHANGANJ District- Kishanganj

SHANKAR PASWAN Son of Shree Ramchandra Das Paswan Resident of
East Indira Nagar, Road No. 1, Gali No. 5, Kankarbagh, P.S.- Kankarbagh,
Patna - 800020

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahul Agrawal Son of Late Manoj Kumar Agrawal Resident of Hanuman
Rice and Oil Mil Compound, N. H. 31, Post and P.S. and District -
Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Verma
For the Opposite Party/s : Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Kishanganj
P.S. Case No. 436/2020 registered for the offences punishable
under Sections 147, 149, 341, 323, 420, 467, 468, 471, 384,
120B, 504 & 506 of the Indian Penal Code pending in the Court
of learned Chief Judicial Magistrate, Kishanganj.

The allegation against the petitioner is that he had
accepted the forged and fabricated affidavit in executing forged
sale deed.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been



falsely implicated in this case due to purely mala fide and oblique motives coupled with own personal grudge and vested interests in collusion with police for blackmailing/bargaining him. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the main allegation of cheating and forgery is attributed against main accused Mahesh Sah, who is said to be master mind of forgery and he after having prepared fake identity card and shown thereby alive Ratann Kumar Agrawal as dead person as father of vendor Suresh Kumar Agrawal committed forgery as would be evident from admitted version of informant in the F.I.R. Petitioner is a government servant and on the date of execution of the sale deed he was on leave. Petitioner is neither the identifier nor the verifier of the said sale deed. Learned counsel for the petitioner relied upon a judgment in the case of Md. Ibrahim Vs. State of Bihar reported in 2010 (1) BBCJ-IV-289-295.

Learned APP for the State vehemently opposing the bail petition submitted that prima facie involvement of the petitioner who worked in the Registry Office cannot be ruled out in aiding in execution of a forged sale deed by impleading a fake person with fake Aadhar Card. Hence, the petitioner does



not deserve anticipatory bail.

Having heard learned counsel for the parties, in my view, the case law relied upon by learned counsel for the petitioner is not applicable in the facts and circumstances of the present case.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order considering the fact that the petitioner was on leave on the date of execution of the sale deed.

(Anjani Kumar Sharan, J)

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