

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42210 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

1. Binay Kumar Singhanian Son Of Late Mahabir Prasad Singhanian Resident Of Singhanian Building, At Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District - Bhagalpur, Bihar.
2. Sumitra Devi Bajaj @ Singhanian @ Sumitra Devi Singhanian Wife Of Sri Ram Karan Bajaj Daughter Of Late Mahabir Prasad Singhanian, Resident Of Singhanian Building, At Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District - Bhagalpur, Bihar At Present Residing At Cart Sarai Road (bakari Bazar), Upper Bazar, P.S.- Kotwali, Ranchi (jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43112 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

1. Shyam Sundar Panihar S/O Late Shiv Lal Panihar Resident Of Kajvalichak, Tatarpur Road, P.S.- Tatarpur, District- Bhagalpur
2. Sanjay Kumar Agrawal S/O Radhe Shyam Agrawal Residnet Of Chunihari Tola, P.S.- Kotwali, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43155 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

1. Anup Kumar Singhanian S/O Binay Kumar Singhanian Resident Of Singhanian Building, Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District- Bhagalpur, Bihar
2. Rajesh Kumar Singhanian S/O Binay Kumar Singhanian Resident Of Singhanian Building, Dr. R.P. Road, Khalifabagh Chowk, P.S.- Kotwali, District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42210 of 2022)

For the Petitioner/s : Mr. S. D. Sanjay, Senior Advocate
: Ms. Priya Gupta, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP
For the Informant : Mr. Surendra Kishore Thakur, Advocate

(In CRIMINAL MISCELLANEOUS No. 43112 of 2022)

For the Petitioner/s : Mr. S.D. Sanjay, Senior Advocate
: Ms. Priya Gupta, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP
For the Informant : Mr. Surendra Kishore Thakur, Advocate

(In CRIMINAL MISCELLANEOUS No. 43155 of 2022)

For the Petitioner/s : Mr. S.D. Sanjay, Senior Advocate
: Ms. Priya Gupta, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP
For the Informant : Mr. Surendra Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2022 At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for bail of petitioner no.2 in Cr. Misc.No. 42210 of 2022 because he is dead.

Permission is accorded.

Accordingly, the prayer for bail of petitioner no.2 in Cr. Misc. No. 42210 of 2022 is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420, 467, 468 and 120(B)/34 of the Indian Penal Code.

As alleged by the informant that the petitioners and other accused persons have created *Batwaranama* by forging the



signature of the informant and committed criminal conspiracy by way of creating false documents for the purpose of cheating and depriving the informant of his properties.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that the arbitration proceeding in its 29th sitting on 21.04.2019, the Hon'ble Arbitrator passed an order on the question of existence of the partnership and held that there was partnership business in the name of firm M/s Shiv Bhagwan Mohanlal Hardware and it was not a Hindu Undivided Family firm and it is still in existence. Thereafter in continuation the Hon'ble Arbitrator on 01.03.2020 passed an interim award wherein it was held that the respondent before the Hon'ble Arbitrator being the informant of the present case was indulged in siphoning the assets of the firm M/s Shiv Bhagwan Mohanlal Hardware amounting to Rs.19.61 Crore. The Arbitrator further held that from its sale proceeds, it appears that the informant is found to be indulged in depriving the firm. The said award is pending for execution in Arbitration Execution Case No. 02 of 2021 before the District Judge, Bhagalpur. This shows the conduct of the informant and his approach to the family properties. He further submits that this case is purely civil in



nature.

However, learned APP for the State as well as learned counsel for the Informant opposed the anticipatory bail of the petitioners and submitted that the petitioners along with other co-accused persons tried to cheat the informant and deprive him of his properties.

Considering the aforesaid submissions, let the petitioners, namely, Binay Kumar Singhania, Anup Kumar Singhania, Rajesh Kumar Singhania, Shyam Sundar Panihar and Sanjay Kumar Agrawal, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Jagdishpur P.S. Case No. 100 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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