

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67602 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

SHIV KUMAR TIWARI S/o Late Damodar Prasad Tiwary @ Late Damodan
Tiwary R/o village- Dalsagar, P.S.- Buxar (I), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

At the outset, learned counsel for the petitioner submits that the description of the name of the petitioner's father has been incorrectly stated as "Damodar Prasad Tiwary @ Damodan Tiwary" instead of the correct "Late Damodar Prasad Tiwary @ Late Damodan Tiwary".

Let the description of the name of the father be read as "Late Damodar Prasad Tiwary @ Late Damodan Tiwary".

The petitioner has preferred this application for grant of regular bail in a case registered under sections 420, 419, 467, 468 and 34 of the Indian Penal Code.

As per the prosecution case, the allegation against the petitioner is of having wrongly presented himself to be son of



Late Damodar Prasad Tiwary @ Late Damodan Tiwary and of having executed four sale-deeds, details of which have been given in the F.I.R.

It is submitted by learned counsel for the petitioner that his father had two other brothers. Late Damodar Prasad Tiwary @ Late Damodan Tiwary not having any issue, the petitioner was adopted by Late Damodar Prasad Tiwary and subsequent to his adoption, the informant was born. He is son of Late Damodar Prasad Tiwary @ Late Damodan Tiwary. No forgery has been committed as alleged in the F.I.R. Further from the allegations in the F.I.R., it is clearly a case of civil dispute between the parties. The petitioner is custody since 10.07.2021 and investigation in the case is concluded.

The application for bail is opposed by the learned APP for the State and learned counsel for the informant. It is submitted by the learned counsel for the informant that the petitioner has been misrepresenting himself to be son of Late Damodar Prasad Tiwary @ Late Damodan Tiwary i.e., father of the informant and has been executing sale-deeds with respect to the properties belonging to the informant, one after the other.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R.,



the petitioner having remained in custody for more than 9 months and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Buxar(I) P. S. Case No. 121 of 2020, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar.

(Partha Sarthy, J)

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