

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74874 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- RAJGIR District- Nalanda

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KANHAIYA JEE SON OF LATE KAMESHWAR PRASAD SINGH
RESIDENT OF VILLAGE- MURGAWAN, PS- BEN, DIST- NALANDA AS
PER FIR BALAK DAS @ DAYA NAND GOSAI @ KANHAIYA JEE SON
OF PRABHU GOSAI, RESIDENT OF VILLAGE- LAKHAIYA, PS-
BARHAT, DIST- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Ben P.S. Case No. 59 of 2023 registered under Sections
406, 419 and 420/34 of the Indian Penal Code lodged on
04.05.2023 by the informant, Meera Sharma.

3. As per the prosecution story, the informant, Meera
Sharma has alleged that her brother Kanhaiya went missing in
the year 1977 and in the year 1981, this petitioner turned up
claiming himself to be missing brother. This led to lodging of
Silao P.S. Case No. 252 of 1981 in which in the year 2022, the
Court held that this petitioner is not Kanhaiya rather Balak Das



@ Daya Nand Gosai and as such, was convicted.

4. The allegation is that he produced certain documents in his support in the trial Court which was found to be forged and led to another Bihar P.S. Case No. 358 of 2022 in which he acknowledged that he is Balak Das @ Daya Nand Gosai. The Circle Officer, Ben thereafter issued public notice informing general public about the disposal of Silao P.S. Case No. 252 of 1981 cautioning the public from purchasing the land from the petitioner. However, the petitioner along with his two sons and three daughters are using Adhar Card and Voter I.D. Card dealing with the bank, other financial institution and allegation is that he is disposing of the estate of the father of the applicant. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that actually the informant's father gifted the land to the petitioner's wife but since he has been declared imposter and punished, the further case has been lodged only to save the property which otherwise belongs to him.

6. Learned APP for the State, on the other hand, submits that once it has been declared that he is an imposter and not the brother of the informant, it would have been appropriate for him to get out of the interest of the family of the informant



and/state and in its absence, it would be appropriate that he seek bail.

7. This Court find force in the submission of the learned APP, it would be appropriate that the petitioner surrenders within a period of four weeks and seek bail.

8. Accordingly, the anticipatory bail application stands rejected.

(Rajiv Roy, J)

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