

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3063 of 2024

Arising Out of PS. Case No.-388 Year-2022 Thana- KOTWALI District- Patna

Raj Kumar Sahu Son of Sri Ramprakash Sahu Resident of Village -
Ghoghiya, P.S. - Bahera, District- Darbhanga

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. JAI KUMAR SINGH DEPUTY REGISTRAR, PATNA HIGH COURT,
PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Advocate
For the State	:	Mr. Jitendra Kumar Singh, A.P.P.
For the Patna High Court:		Mr. Satyabir Bharti, Advocate
		Ms. Kanupriya, Advocate
		Mr. Abhishek Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-04-2024 Heard Mr. Pankaj Kumar Jha, learned Counsel for

the petitioner, Ms. Kanupriya, learned Counsel appearing for the

Patna High Court as also Mr. Jitendra Kumar Singh, learned

APP for the State.

2. The petitioner apprehends his arrest in connection
with Kotwali P.S. Case No. 388 of 2022 for the offence
registered under sections 420, 466, 471 and 120(B) of the Indian
Penal Code lodged on 19.07.2022 by the informant, Jai Kumar
Singh.

3. As per the prosecution story, the informant, Deputy
Registrar, Patna High Court lodged an F.I.R. with the Kotwali



Police Station, Patna alleging that in a case of Bahera P.S. Case No. 473 of 2019 under sections 467, 468, 471, 420, 406 and 120(B) of the Indian Penal Code, the accused Suresh Sahu was seeking bail in which this petitioner, his cousin sworn false affidavit and as such, played fraud with the Court.

4. Accordingly, the request was made to lodge F.I.R. against both Suresh Sahu as also this petitioner. It is to be noted that one Bahera P.S. Case No. 473 of 2019 was earlier lodged by Deepak Kumar Mishra against Suresh Sahu alleging that he had handed over his Tractor/Trailer to him in the year 2009 on a consideration amount of Rs. 4 lakhs agreed, out of which Rs. 1 lakh was paid and further agreement was made that only after the entire amount of Rs. 3 lakhs is cleared, the registration of the Tractor/Trailer shall be transferred in his name.

5. As the Tractor/Trailer was/were with Suresh Sahu, it met with an accident, causing death of one person. Accordingly, the Tractor was seized. Though the Tractor was still in his name, on the basis of false documents, Suresh Sahu got the vehicle released from the Police Station and this came to light only when the family of the deceased moved before the Court for claiming Insurance compensation. As no insurance amount was paid by Suresh Sahu and the vehicle was as such



not insured, liability came on him as he was the registered owner. Accordingly, he lodged F.I.R.

6. Subsequently, Suresh Sahu moved in before the Sessions Court and after rejection of his bail from the concerned Court, Suresh Sahu moved this Court in Cr. Misc. No. 6033 of 2020 in which it was the petitioner herein, the cousin brother, who put the petition on affidavit. The allegation that came against him is that in the bail application, the stand of the petitioner was that Tractor/Trailor was/were never handed over to him by Deepak Kumar Mishra and as such, he had no knowledge about the alleged accident, was cheated by the informant and there is no chit of paper to show the transfer of the Tractor. However, upon enquiry, it was found to be untrue and thus a false statement was made in petition. Accordingly, the F.I.R.

7. Learned Counsel for the petitioner submits that he being the cousin brother of Suresh Sahu, an innocent person, having no criminal antecedent, was requested by Suresh Sahu/his family members to put the petition on affidavit, in good faith signed the document little realizing that some of the contents of the petition is/are far from the truth. He has already suffered as F.I.R. having been lodged, he will have to face the



trial.

8. Ms. Kanupriya, learned Counsel appearing for the Patna High Court submits that having put a false statement on affidavit, the petitioner cannot exonerate himself from the charges made in the F.I.R. She as such, opposes the prayer.

9. Though, the charges levelled against the petitioner is grave, he having signed an affidavit containing false statement, the fact remains that the main culprit is Suresh Sahu who earlier took the Tractor/Trailer from the Deepak Kumar Mishra, chose not to pay the entire consideration amount though kept using the said Tractor, did not insured it, it later met with an accident, causing death of a person and on the basis of false documents, got the Tractor released.

10. Further, as he never paid insurance amount and/or got the vehicle insured thus putting Deepak Kumar Mishra in trouble as the family of the deceased filed petition for insurance compensation against the owner. Worse, in continuation of the forgery which started with the procuring of the Tractor/Trailer without paying the entire consideration amount as also release on the basis of false document, another false statement was made that it was never handed over to him.

11. The petitioner being his cousin brother, in good



faith signed the contents for which the F.I.R. has been lodged and he will have to face the music, so far as the grant of relief to him is concerned, in the aforesaid facts and circumstances as also that he do not have criminal antecedent, this Court is of the opinion that he deserves relief.

12. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 388 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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