

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38527 of 2014

Arising Out of PS.Case No. -194 Year- 2012 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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Syed Jamil Hassan son of Late Saiyed Raja Hassan resident of village
Mohalla Baradari, Police Station Bihar, District - Nalanda, At present
Mohalla - Makhdum Kund, Police Station Rajgir, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv

For the Opposite Party/s : Mr. Manish Kumar No.2, App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 07-01-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 17.08.2014 in
connection with Rajgir P.S. Case No. 194 of 2012 registered for
the offences punishable under Sections 419, 420, 467, 468, 471,
120B/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the
petitioner is the power of attorney holder, having received the
same from one Akbar Sah by registered deed dated 09.07.2009.
With regard and in context of the land referred to in the said power
of attorney, it is submitted that the petitioner as a power of
attorney holder, executed several sale deeds and in one of the sale
deeds, the Khesra No. 5596 which was sought to be sold was
inadvertently recorded as Khesra No. 5696 which appeared to be
the land which had been previously acquired by the State



Government. After getting knowledge of the same, the accused Veena and Gita Devi who were the purchasers applied for correction of the same from the concerned Registry Office at Nalanda and as a consequence thereof, vide Deed No. 10306, the sale deed executed by the petitioner in favour of Gita Devi was rectified by means of a Tati Nama (Sudhi Patra) and the necessary corrections were made in the sale deed earlier executed were corrected on 23.07.2014. It appears that in the mutation petition which was filed by the purchaser, due to inadvertence, the khesra number came to be recorded as “5696” instead of “5596”. It was this discrepancy which lead to the creation of the mutation document referring to the wrong khesra number.

Learned counsel for the petitioner submits that this Hon’ble Court while noting the submissions advanced by the petitioner/ purchasers has granted the anticipatory bail to Gita Devi in Cr. Misc. No. 18518 of 2013 (Annexure 2). It is further submitted that earlier also noting the aforementioned submissions that the Plot No. 5596 transferred by the petitioner to other officials of the Block Office who had allegedly created the mutation document, on account of a mistake then two petitioners were extended the privilege of anticipatory bail. In the said order it has been clearly recorded that the Plot No. 5596 was never under the boundary of

the Block Office and was in fact never acquired by the State Government so as to invite prosecution of this petitioner.

Considering the aforementioned submissions and noting the fact that other similarly situated persons have been extended the privilege of anticipatory bail and that this petitioner has no criminal antecedent, let the petitioner, Syed Jamil Hassan be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rajgir P.S. Case No. 194 of 2012.

(Anjana Mishra, J)

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