

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25270 of 2016

Arising Out of PS.Case No. -1251 Year- 2015 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

Vijendra Kumar, son of Late Tanuklal Yadav, resident of Village-Kaushalpur, P.S.-Murliganj, District-Madhepura, at present Halka Karmchari cum Circle Inspector, Kumarkhand Anchal, P.S.-Kumarkhand, District-Madhepura

.... Petitioner/s

Versus

1. State of Bihar

2. Roop Narayan Yadav, son of Late Tilo Yadav, resident of Village-Ranipatti Belari, P.S.-Kumarkhand, Anchal-Kumarkhand, District-Madhepura

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Abhijeet Gautam, Advocate
For the State : Mr. Anil Prasad Singh, APP
For the Complainant : Mr. Uday Chand Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 12-08-2016 Heard learned counsel for the petitioner and the learned counsel appearing for the complainant. Learned counsel for the State is also present.

The petitioner, being the Halka Karamchari, is apprehending his arrest in connection with Complaint Case No.1251(C) of 2015 for allegedly having committed the offence under Sections 467 and 468 of the Indian Penal Code.

The case of the complainant is that while the complainant had been given the land to the tune of 1 Bigha 8 Dhurs, the petitioner as Halka Karamchari has reduced the said area in the circle register by making a cutting/alteration in the

area and made the same to be 12 Kathas and 12 Dhurs of land.

Learned counsel for the petitioner submits that as per the directives issued by the District Magistrate of the area, the entry in Register-II could have been made only on the basis of survey entries and not beyond it. It is submitted that whatever he had done, it had been done in discharge of his duty and not otherwise. Furthermore, the remedy of the complainant lay before approaching the Circle Officer for redressing of his grievance and if not attended to, he can move the higher authority rather than to file the present case. It is further submitted that the present case is mere vendetta for ruining his career and that it is a motivated allegation as made by the complainant.

Having considered all facts and circumstances and after hearing the learned counsel for the complainant, who has submitted that a mischief was perpetuated by the petitioner for extraneous consideration and also because the remedy of the complainant lay before approaching the higher authority for redressal of his grievances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail

on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Madhepura, in connection with Complaint Case No.1251(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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