

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44207 of 2016

Arising Out of PS.Case No. -407 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Ashok Kumar son of late Jamirilal Sah @Amirilal Sah R/o Village -
Chakmahila, P.S. & District : Sitamarhi, at present Revenue Clerk posted in
Suppi Block, District - Sitamarhi. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 15-12-2016 Heard both sides.

The petitioner apprehends his arrest in Sitamarhi
(Mehsaal) P.S. case No. 407 of 2015 under Section 406, 420, 467,
468, 471, 120B of the Indian Penal Code.

Nathuni Rai, the informant, filed a complaint petition
on the basis of which the present FIR was lodged. The informant
alleged that Settlement Officer opened Khatiyani No. 88K, Khesra
No. 42, area 2 acre 37 decimals in his name, vide Revenue case
No. 702/72-73, Jamabandi No. 159 but the Revenue Clerk in
collusion with some officials of the circle office opened new
Jamabandi No. 1157 in the name of Lalita Devi and Kanchan
Prasad.

The learned counsel for the petitioner submits that in
fact the petitioner was posted as Revenue Clerk during the
relevant period but he did not interpolate any document nor



manufacture any document. The petitioner simply reported about the actual facts borne out from the records on the basis of which the Circle Officer passed the order. The order of Circle Officer was challenged in Mutation Appeal before the DCLR and the aforesaid order was set aside. Similarly situated accused Jayas Ram and Viswajeet Kumar have already been granted anticipatory bail vide orders passed in Cr. Misc. No. 54347 of 2015 and in Cr. Misc. No. 11040 of 2016. The case of petitioner stands on same footing.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Sitamarhi (Mehsaal) P.S. Case No. 407 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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