

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27462 of 2016

Arising out of PS.Case No. -1034 Year- 2015 Thana -BIHTA District- PATNA

Kavi Bhushan Prasad, Son of Late Arjun Modi, resident of Village-Kharagpur, P.S. Haveli Kharagpur, District-Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar Manglam, Advocate.

For the Opposite Party : Mr. Sri Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 1034 of 2015 for the offences instituted under Sections 420, 467 and 468/34 of the IPC.

The prosecution story, in brief, is that this petitioner and co-accused Uday Kumar being Revenue Karamchari, hatching conspiracy committed irregularity in granting rent receipt of the land. They issued forged rent receipt registering *Jamabandi* without any valid order with respect to land situated in Mauza Khedalpura, Bihta, Patna, bearing Khata No. 1, Khesara No. 335 giving rise to institution of the instant case.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. He is the

Revenue Karamchari. The entry in the register was made by the petitioner on the basis of rent receipt issued by the predecessor of the petitioner and in good faith he had made the necessary entry in Register-II. It is further submitted that the petitioner is ready to deposit an amount of Rs. 25,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 25,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Bihta P.S. Case No. 1034/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Danapur, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure

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(Sudhir Singh, J)