

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40023 of 2017

Arising Out of PS.Case No. -319 Year- 2017 Thana -PATRAKARNAGAR District- PATNA

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Shamim Akhtar Mazhari (Circle Officer, Patna Sadar), Son of Late Md. Yusuf, resident of Kund Mohalla, P.S. Daltenganj, District-Palamau, at present Road No.24, Ali Nagar, Anisabad, Patna-800002.

.... Petitioner/s

Versus

The State of Bihar through Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 22-09-2017 Heard.

The petitioner seeks bail in connection with Special Case No.37 of 2017, arising out of Patrakar Nagar P.S. Case No.319 of 2017, registered under Sections 406, 409, 419, 420, 467, 468, 471 and 120B of the Indian Penal Code besides Sections 7, 8, 9, 13(1)(c), (d) read with 13(2) of the P.C. Act, 1988.

The accusation is that Plot No.63 area 11 decimal, Plot No.64 area 20 decimal and Plot No.72 area 26 decimal of Khata No.22 of village-Hanuman Nagar are in possession of the South Bihar Power Distribution Company Limited and the boundary over the same is also constructed. In spite of that, the Revenue Karmchari and Revenue Officers issued the Possession Certificate in favour of Devendra Kumar and fixed the land revenue in his



favour.

Learned counsel appearing on behalf of the petitioner submits that on the recommendation of the Halka Karmchari to the effect that Plot Nos.63, 64 and 72 of Village-Hanuman Nagar are in possession of Devendra Kumar but the rent is not being paid and, accordingly, the petitioner being the Circle Officer declared the possession and forwarded the file before the D.C.L.R. for fixation of rent, who fixed the rent with certain condition. In fact, the aforesaid plots are recorded in Khatiyan in the name of Birbal and Daljeet. After lodging of the present case, the Anchal Amin, Sadar, also submitted the report dated 27.06.2017, on inquiry, Which is Annexure-‘2’ to this application, from which it appears that on measurement, the Plot Nos.63, 64 and 72 covering under Khata No.22 were not found of Power Sub Station-Kankarbagh. The petitioner has falsely been implicated in this case and is in custody since 22.06.2017. Moreover, on investigation, the chargesheet has already been submitted against the petitioner.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance-I, Patna, in connection



with Special Case No.37 of 2017, arising out of Patrakar Nagar
P.S. Case No.319 of 2017.

(Rajendra Kumar Mishra, J)

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