

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50795 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -KASBA District- PURNIA

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1. Upendra Biswas Son of Late Kunji Lal Biswas, R/o Village- Simaria,
P.S.- Kasba, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Prasad Ambastha

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Kasba P.S.Case No. 124 of 2017 registered under Sections
420, 406, 467, 468 and 471/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the Circle Officer passed order on the basis of
previous notification dated 19.08.1990, which led to institution of
the FIR. It is further stated that execution of the sale deed and
taking money is confined against the co-accused Nibha Devi @
Renu Kumari, who is already dead. So far as the petitioner is
concerned, no allegation has been made against him in the FIR
except the fact that he happens to be the husband of the executant



Nibha Devi @ Renu Kumari. It is further submitted that after coming to know about institution of the case, the petitioner approached the Public Grievance Redressal Forum. On his application, the matter was examined by the Additional Collector, who is the first appellate authority relating to the said forum. After looking into the records, the appellate authority held that the land was excluded out of the related plot no.33 and had not been declared surplus. He, therefore, vide order dated 10.07.2017, directed the Circle Officer to issue rent receipt to the petitioner. Accordingly, the previous *Jamabandi* was restored. He submitted that under confusion and in utter haste the FIR has been instituted and in case the informant approaches the concerned authority, the land sold by Nibha Devi @ Renu Kumari will certainly be mutated in favour of the informant.

Learned counsel for the State opposes the application for grant of pre-arrest bail of the petitioners.

Having considered the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with



Kasba P.S.Case No. 124 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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