

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30636 of 2018

Arising Out of PS. Case No.-1016 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Dasai Baitha @ Dasai Mahto, son of late Jhangtu Baitha, resident of Village-
Chandrahya, P.S.-Motihari Mufassil, District-East Champaran.

... .. Petitioner/s

Versus

1. State of Bihar
2. Raghunath Mahto, son of Bhagwan Mahto, resident of Village-Bhopatpur
Ahirauliya, Police Station-Kotwa (Bajhiya O.P.), District-East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Adv.
For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 420, 467, 468 and 120B of the IPC.

The prosecution case, as per complaint filed by Raghunath Mahto on 25.05.2017 is to the effect that 2 bighas 1 katha and 6 dhurs of land, appertaining to Khata no. 301, Plot No. 1980, situated besides the road running from Rajpur to Kotwa and Jamunapur to Mananpur is recorded in the Khatian in the name of grand-father of the complainant, Ram Belas Koiri and after



his death, the title and possession of the land in question got transferred to the complainant. Initially, the other co-accused, namely, Chanchal Yadav, Dharohar Prasad, Birendra Prasad, Surendra Prasad, Laldeo Rai and Upendra Prasad Kushwaha contacted the complainant for sale of the land on high price, but on refusal by the complainant, the accused persons, in connivance with the employees of the record rooms of the East Champaran Collectorate, including the petitioner, got the name of one Pragas recorded in the Khatiyani. Initially, the issue was sought to be reconciled, but subsequently, huge demand of Rs. 25,00,000/- was made as extortion.

It is submitted by learned counsel for the petitioner that the petitioner at the relevant point of time was a peon in the record room. There is nothing on record to suggest that the petitioner committed any forgery. Moreover, the petitioner was neither the beneficiary, nor his name sprang up in the enquiry report submitted by the Additional Collector, who conducted the enquiry. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation that in connivance with the accused persons, the petitioner committed the forgery.



Considering the nature of accusation and the fact that the petitioner was peon in the record room, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-VIII, East Champaran, Motihari, in connection with Trial No. 3144 of 2017, arising out of Complaint Case No. C-1016 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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