

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23141 of 2018

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

Ekballi Mishra, S/o- Sri Mankeshwar Mishra, R/o- Vill.- Bansghatia, P.S.-
Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raghunath Mahto, S/o- Bhagwan Mahto, R/o- Vill.- Bhopatpur Ahirauliya,
P.S.- Kotwa (Bajhiya O.P.), District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-04-2018 Heard learned counsels for the petitioner and 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 from Kotwa and Jamunapur from 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 travelled to the complainant. Initially, co-accused persons



“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 collectariate, including the petitioner, got the name of one Pragdas added in the Khatiyan. 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 not posted in the record room. There is nothing on record to suggest that the petitioner made any forgery. Moreover, the petitioner was not the beneficiary of the alleged forgery. The Additional Collector conducted an enquiry when the enquiry report as contained in Annexure-2, suggests the involvement in forgery of other co-accused persons and not against the petitioner. 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 at the behest of the petitioner forgery has been committed.

Considering the nature of accusation ventilated



through complaint and the petitioner is not the beneficiary of the alleged forgery, 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-VII, East Champaran, Motihari in connection with Trial No. 3144 of 2017, arising out of Complaint Cae 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)

Amrendra/-

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