

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58742 of 2018

Arising out of P.S. Case No.-174 Year-2018 Thana- Ghosi, District-
Jehanabad

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Anil Kumar, Son of Late Geeta Singh, Resident of Village- Pariyaman, P.O.-
Atiyanwa, Police Station- Ghoshi and District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. 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 AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-12-2018

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Ghosi P.S. Case No. 174 of 2018 dated 16.06.2018 instituted under
Sections 406, 409, 419, 420, 467, 468, 471 and 34 of the Indian
Penal Code.

3. The allegation against the petitioner is that he had
filed a false affidavit claiming to be the owner of the land, which
was acquired and based on the same Land Possession Certificate
was issued and he has also taken money. It is further alleged that
even the Land Possession Certificate was wrongly given without
actual physical verification by the concerned revenue employees.



4. Learned counsel for the petitioner submitted that the land was ancestral belonging to him and his co-sharers and in a partition suit, the said land was allotted in his share and based on that, he had filed the application for Land Possession Certificate and also given an affidavit. It was further submitted that the Land Acquisition Officer himself had given him notice with regard to the land in question and thus, the petitioner was not the person who had applied for any compensation. It was submitted that in the F.I.R. also there is no detail of who was the complainant and what was the complaint about. Learned counsel submitted that the authorities have also instituted certificate proceeding for recovery of the compensation amount which the petitioner has received in which he has filed objection and thus, unless it is held that the compensation was wrongly taken by the petitioner, the lodging of F.I.R. was not proper.

5. Learned A.P.P., after going through the case diary, submitted that during investigation, it has come that the co-sharers had objected with regard to the petitioner taking compensation for the land which belonged to them and further it has been found that wrong Land Possession Certificate was given based only on the affidavit of the petitioner which clearly indicates that the petitioner is not clean.



6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Nasimul/-

AFR/NAFR	
CAV DATE	
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