

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37844 of 2018

Arising Out of PS. Case No.-521 Year-2015 Thana- COMPLAINT CASE District- Araria

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1. Md. Rayees Alam @ Md. Rayees, S/o Late Idrish , R/o Vill.- Rojkhar, P.S.- Araria, R.S., District- Araria.
 2. Dhir Narayan Patel S/o Udaychand Mandal,
 3. Narayan Prashalla, S/o Late Santhal Prashalla, Sl. Nos. 2 and 3 are R/o Vill.- Bhorhar, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Kumar Bishwas S/o Late Mamlat Bishwas, R/o Vill.- Rampur Kodarkatti, P.S. + District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 420 and 406 of the IPC.

The prosecution case as per the complainant Suresh Kumar Bishwas is to the effect that the land appertaining to Khata Nos. 23,24 and 12 corresponding to Plot Nos. 126, 127 and 491 having an area of 0.28 acres belongs to the wife of the complainant and elder sister of his wife namely Kendula Devi. Jamabandi of the said land is also existing in their names. It is alleged that when the complainant went to Block Office for



payment of rent of the said land, the Halka Karmchari (petitioner no. 1) declined to accept the said amount on the ground that the land has been mutated in the name of others.

It is submitted by learned counsel for the petitioners that the Jamabandi Raiyat of the land in question is Ugani Devi who died issueless and thereafter her legal heirs filed application for mutation, whereafter Mutation Case No. 3935 of 2013-14 was initiated before the Circle Officer, Narpatganj on the basis of Panchnama. The Circle Officer, after being satisfied with the enquiry report of Halka Karmchari and Circle Inspector and also being satisfied with the fact that no body raised any objection, mutated the name of petitioner nos. 2 and four other persons vide order dated 16.12.2013/20.12.2013, as contained in Annexure 2 to this application.

It is further submitted that being aggrieved by the order of the Circle Officer, as contained in Annexure 2, wife of the complainant filed Mutation Appeal No. 31 of 2015-16 before the DCLR, Forbesganj and same was dismissed vide order dated 29.8.2016, as contained in Annexure 3, but instead of challenging the appellate order before the competent Civil Court, the present complaint has been filed suppressing the materials.



Considering the accusation arising out of an order passed in quasi judicial proceeding, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Araria, in connection with Complaint Case No. 521C of 2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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