

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4743 of 2019

Arising Out of PS. Case No.-169 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Shri Lakhuman Singh @ Lakhaman Singh @ Laxman Singh (male), aged about 67 years, Son of Shiv Singh, Resident of village-Bakatpur, P.S.-Kanti, District-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 02.11.2018 in a case registered for the offences punishable under Section 420 of the Indian Penal Code.

The prosecution case as per the written report of Rama Kant Prasad, Circle Inspector, Motipur submitted to SHO, Motipur Police Station is to effect that vide letter no. 447, dated 12.03.2018, he has been directed to lodge FIR against the petitioner who being Revenue Karamchari posted in the year



2008-09 and 2009-10, in Motipur Circle, issued forged rent receipts nos. 039348 and 413274 in the years 2008-09 and 2009-10, with regard to a land in favour of the Raj Kishori Devi, wife of Harendra Thakur without the order of the competent authority.

It is submitted by learned counsel for the petitioner that the rent receipt was legally issued after the order of the Circle Officer. There is nothing on record to suggest that there is no order on the record. Moreover the petitioner retired in the year 2012 and for the rent receipts issued in the year 2008-09, FIR has been registered in the year 2018. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted by the learned counsel for the petitioner that the wife of the petitioner died ten days ago and the petitioner has to perform her saradh, however, statement to that effect has not been made on affidavit.

Learned APP for the State submits that accusation is specific against the petitioner that without any mutation order by the competent authority the petitioner issued rent receipt.

Considering the delayed lodging of the FIR and the fact that the petitioner already retired from the service, let the above named petitioner be released on bail, on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **SDJM, West Muzaffarpur** in connection with **Motipur P.S. Case No.169 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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