

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24914 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- RAHUI District- Nalanda

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ARUN KUMAR SINHA Son of Late Jagdish Sinha, Ex-Revenue Karamchari, Rahui Block. At present R/village-Pathak Bigha, P.S-Hulasganj, District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachidanand Choudhary

Mr.Rajeev Kumar

For the State : Mr.Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner being the Revenue Clerk at Rahui Block, village Pathak Bigha P.S. Hulasganj, and having since superannuated is facing prosecution and has been languishing in jail since 12.01.2019 in connection with Rahui P.S. Case No. 10/19 registered for the offense punishable under Sections 406/409/420/467/468/471/477/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is wholly innocent and has been falsely implicated in connection with the present case though he had no role to play in the alleged fraudulent mutation which was affected in favour of one Baiju Mahto, husband of Anita Devi in lieu of her mother



namely, Shyama Devi. Learned counsel for the petitioner further submits that the Road Construction Department had acquired 18 decimals of land belonging to Shyama Devi who is the mother of Anita Devi and in her favour a Land Possession Certificate was issued by the petitioner on the basis of which compensation was to be paid to Shyama Devi. However, in the interregnum Anita Devi, daughter of Shyama Devi, came before the Anchal Adhikari and informed that her mother Shyama Devi has since expired and, therefore, the land in question be mutated in her favour and, thereafter, Land Possession Certificate may be issued so that appropriate compensation be granted to her by the authorities. Learned counsel for the petitioner submits that the land in question, after due enquiry by the then functional Circle Inspector, was mutated in favour of the Anita Devi on the basis of document supplied by her in which the petitioner had no role to play. The Land Possession Certificate was also duly issued in favour of the Anita Devi on the basis of the mutation order passed by the Circle Officer. It was only thereafter that the son of Shyama Devi came forward to State that, in fact, Shyama Devi was very much alive and compensation should not be paid.

When the land possession Certificate was issued in favour of Anita Devi, she approached the concerned authorities



for releasing of the compensation amount and on the basis of the Land Possession Certificate and the mutation order in her favour the money in question which was to be paid earlier to Shyama Devi was instead paid to Anita Devi in her account number furnished by her. It was at this point of time that the son of Shyama Devi came to know about the alleged illegal and fraudulent act of Anita Devi and he approached the authorities making a compliant that any compensation paid to Anita Devi was wrong as his mother Shyama Devi was very much alive and the compensation amount should not have been paid to her.

This necessitated an enquiry by the concerned authorities who deputed the Circle Inspector and the petitioner to report regarding the actual possession of the land. On such enquiry having been initiated, it was the petitioner and the Circle Inspector who gave a report that the land was standing in the name of Baijo Mahto, husband of Anita Devi who had given her consent for such mutation in his name. Learned counsel for the petitioner submits that neither the mutation was affected on the basis of the report of this petitioner nor was any Land Possession Certificate issued under his signature in the name of Anita Devi. He thus submits that the only thing that was required for him to ascertain, was the actual possession as stood



in the revenue records on the said date and, therefore, any allegation which was made regarding his connivance in the creation of such revenue records is wholly denied and cannot be saddled on his shoulders. Learned counsel for the petitioner has further pointed out that neither the Circle Officer and the Circle Inspector who had illegally passed mutation orders, as also the present Circle Inspector or the Circle Officer, has been made an accused of this Case, but the petitioner who has since superannuated has been victimised and he is being prosecuted for no fault of his own.

It has been further submitted that in pursuance of the discovery made that the compensation ought not to have been paid to the said Anita Devi, the amount of compensation which was released in her favour into the bank, the payment thereof has been subsequently blocked and withheld by the bank and steps are being initiated to make recovery of the same so that the compensation amount may be paid to the rightful owner whose land has been acquired by the State Government. He thus submits that in view of such facts and circumstances, the petitioner may be extended the privilege of bail as there is no chance that he being a superannuated employee will tamper with the any records or hinder the investigation. It is further



submitted that the is petitioner willing and ready to be present and to co-operate during the course of investigation and shall also make himself available as and when required during the course of trial.

Having considered such facts and circumstances as indicated above and the petitioner is having no criminal antecedent, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Rahui P.S. Case No. 10/19, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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