

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31833 of 2019

Arising Out of PS. Case No.-641 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Rajnish Kumar @ Rajnish Kumar Sinha, S/o Sri Digambar Prasad Sinha @ Digambar Sinha, R/o village- Chandipur, P.S.- Warisliganj (Wrongly Mentioned Wasabiganj in Impugned order), District- Nawada, the then District Fishery Officer, Madhepura, P.S. and District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijayeshwar Prasad Singh, S/o Late Chand Moleshwar Prasad Singh, R/o village- Alamnagar, P.S.- Alamnagar, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-07-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 641 of 2017, disclosing offences under Sections 417, 420, 448, 504 and 506 of IPC.

Petitioner happens to be the District Fisheries Officer and allegation as per the complaint petition is that the land with a pond was purchased by the complainant in the year 2002 and later on, sale deed was executed in the year 2016. However, co-accused Ajay Mandal got the land with pond settled in his favour in collusion with the government officials and so far petitioner is concerned, there is allegation that during his period, the land was settled in his favour.



Submission of the learned counsel for the petitioner is that the process for settlement on the basis of recommendation of the Revenue Officers, the pond is used to be settled by the District Fisheries Officer and as such, he cannot be made liable for settlement. Apart from that recital of the agreement itself shows that complainant was not in possession of the land/pond during the period, rather it shows that he came in possession after the execution of the sale deed, that also falsify the allegation of the complainant.

Heard learned A.P.P. also.

Learned counsel for the complainant has also filed a counter affidavit on behalf of complainant/opposite party no.2.

Having heard both sides, considering the above submissions, this application is allowed. The provisional bail granted to the petitioner, vide order dated 17.05.2019 is confirmed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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