

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60743 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- BARHARA District- Bhojpur

RAM LAL SINGH Son of Late Suba Lal Singh Resident of Village-
Morsund, Police Station- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rahul Nath
For the Opposite Party/s	:	Mr.Ajay Kumar Jha
For the informant	:	Mr. Aditya Nr. Singh -I

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2019 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Barhara Police Station Case No. 144 of 2019, disclosing
offences under Sections 323, 341, 504, 467, 468, 471, 420, 406
of the Indian Penal Code.

The allegation against the petitioner, on the basis of
the First Information Report, is that the petitioner, as a Revenue
Karamchari, recommended for mutation of a piece of land
belonging to Khata No. 850, Khesra No. 1135, having an area of
10 decimals in favour of one private person.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case on the basis of a mala fide complaint inasmuch as from perusal of the First Information Report, it would be evident that the land in question belongs to the State, but no authority from the State of Bihar has lodged any complaint against the petitioner. He further submits that the petitioner has recommended after verification of the land in question for mutation in discharge of his official duty and there was no intention to misguide or commit offence as alleged.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner, with an intention to manipulate Government record, has referred to Title Suit No. 14 of 1989 as the basis of passing the mutation order in favour of a private person, and no such title suit is pending or disposed of in which the Government of Bihar was a party and no decree was passed in favour of any private person pertaining to the land in question and as such, the petitioner does not deserve privilege of anticipatory bail. He further submits, referring to paragraph 7 of this application, that the petitioner had gone for measurement of Bihar Sarkar Anabad land and the same was objected by one Shatrughan Singh, Former Sarpanch, and the informant is one of



the family member of said Shatrughan Singh. He further submits that the petitioner was aware of the fact that the land in question belongs to the State of Bihar.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner, in discharge of his official duty, recommended for mutation of the land in question in favour of a private person and the final mutation order was passed by the Circle Officer, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Ram Lal Singh in the event of his arrest or surrender before the Court below within four weeks, 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 Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Barhara Police Station Case No. 144 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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