

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20525 of 2020

Arising Out of PS. Case No.-381 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Ram Pravesh Prasad Son of Late Ramanand Prasad Resident of Village -
Mathurapur, P.O.- Pakwaliya, P.S.- Barhariya, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr.Sumit Kumar Jha, Advocate
For the Opposite Party/s :		Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned Senior counsel for the petitioner and
learned APP for the State.

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is apprehending arrest in a case



registered for the offences punishable under Sections 420, 467, 468, 471 and 167 of the Indian Penal Code.

The prosecution case, as per the written report of Shyama Kant Prasad, Circle Officer, Siwan Sadar dated 11.10.2019 submitted to the Station House Officer, Siwan Muffasil Police Station, is to the effect that on scrutiny of the records, the informant found that two irregularities being committed by the petitioner; firstly issued rent receipt with regard to the land appertaining to Thana No. 231, Khata No. 1726, Plot No. 1568 measuring an area of 15 kathas 12 dhurs in spite of the fact that one Sushila Devi, Wife of Deosharan Raut claimed mutation with regard to the said land being Mutation Case No. 2766/17-18 but claim was rejected by the Circle officer on 30.11.2017, thus, the petitioner without any order issued rent receipt. The second accusation is that the petitioner issued rent receipt in favour of Jubeda Khatoon in spite of the fact that said Jubeda Khatoon claimed mutation with regard to the land appertaining to Thana No. 231, Khata No. 563, Plot No. 4491 measuring an area of 1 katha when the claim was rejected by the Circle Officer on 11.07.2017 and hence, the petitioner has tampered with the revenue records.

It is submitted by learned Senior counsel for the



petitioner that, in fact, the petitioner has not issued rent receipt with regard to the land appertaining to Thana No. 231, Khata No. 1726, Plot No. 1568 rather the rent receipt has been issued with regard to the land situated at Mauza – Siwan appertaining to Thana No. 231, Khata No. 579, Plot No. 1568 measuring an area of 8 kathas 17 dhurs. The petitioner has never created any Jamabandi but issued rent receipt in favour of Sushila Devi on the basis of old Jamabandi created in the name of Sushila Devi. So far Jamabandi created in the name of Jubeda Khatoon is concerned, the petitioner has never created any Jamabandi rather the petitioner has only issued rent receipt on the basis of Jamabandi being found created on the website of the Circle Officer. Moreover, the rent receipt was issued in 2017 itself and for the same one of the applicants namely, Sushila Devi has filed Title Suit No. 1352 of 2019 against the Circle Officer which is still pending. Moreover, departmental proceeding has been initiated against the petitioner for issuance of the rent receipt and subsequent to that, the Circle Officer has maliciously filed the present FIR and even assuming the accusation it is basically a dereliction in discharge of official duty. The petitioner is accused in one another case in which he is on bail.



Learned APP submits that the petitioner has issued rent receipt in favour of two persons for which mutation applications have already been rejected.

Considering the accusation arising out of disputed question of fact, there is nothing on record to suggest that the petitioner created any Jamabandi and the fact that the departmental proceeding has already been initiated against the petitioner prior to lodging of the present case, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 381 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three



months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 381 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

The learned Court below will be at liberty to cancel the bail bond of the petitioner, if the petitioner gets substantially involved in similar nature of offence.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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