

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81095 of 2019

Arising Out of PS. Case No.-426 Year-2018 Thana- COMPLAINT CASE District- Lakhisarai

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UMESH PRASAD SHARMA Son of Chandra Shekhar Prasad Sinha
Resident of F/4, Basudevan Apartment, Veer Shivaji Path, North S.K. Puri,
P.S.- S.K. Puri, District- Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Shyam Narain Singh S/o Late Singheshwar Singh R/o Vatta Rampur, P.S.-
Chanan, District- Lakhisarai.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Adv. Mr. Saket Tiwary, Adv. Mr. Anuraj Singh, Adv.
For the Opposite Party/s :		Mr.Akhileshwar Dayal, APP
For Complainant		Mr. Madan Pd. Singh, 2, Adv. Mr. Arun Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 17-02-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No. 426C of 2018, registered for the
offence punishable under sections 417, 420, 467, 468, 471 and
120B of the Indian Penal Code.

As per allegation in the F.I.R., on the informant going
to get his Jamabandi receipt in the Circle Office, it transpired
that the Jamabandi which was running in the name of his father,



had been changed though neither his father nor any member of his family had sold the land in question and the Jamabandi had been opened in the name of Satyendra Singh and Mukesh Singh. It is further stated that even the area of the land had been reduced. Similar allegations have been made with respect to other plots. It is further stated that on the complainant going and questioning the Circle Officer, he pushed him around and misbehaved with him.

It is submitted by learned counsel appearing for the petitioner that the petitioner served as a Circle Officer in the concerned Circle from February, 2014 to 14.11.2015. It is further submitted that although the irregularities have been discovered on 14.06.2017, but surprisingly the complaint was instituted after delay of more than one year on 20.07.2018. It is further submitted that it is the Halka Karamchari, who is the custodian of Register II, and so far as the petitioner is concerned, he retired on 31.05.2019 and is leading a retired life. It is finally submitted that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the complainant that contrary to the assertion of the petitioner, all the interpolation etc. in the Jamabandi records with respect to



Jamabandi of the father of the informant had taken place when the petitioner was posted as Circle Officer. So far as the Halka Karamchari being the custodian of record is concerned, it is submitted that although, he may be custodian of record, but so far as creation of new Jamabandi is concerned, nothing moves without the collusion and express order of the Circle Officer whereas the Halka Karamchari is only being made a scapegoat. It is the petitioner who is solely responsible. It is finally submitted that this is not a fit case for grant of anticipatory bail to the petitioner.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration that the matter relates to the change in the Jamabandi with respect to the lands in question belonging to the informant and his father, the delay in lodging of the complaint as also the fact that the petitioner has no criminal antecedent, this Court is inclined to grant anticipatory bail to the petitioner. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged 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
Judicial Magistrate-II, Lakhisarai in connection with Complaint
Case No. 426C of 2018 subject to the condition as laid down
under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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