

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32186 of 2020

Arising Out of PS. Case No.-179 Year-2013 Thana- SAHEBGANJ District- Muzaffarpur

Ram Narayan Sharma, Son of Late Jagarnath Sharma, Resident of Mohalla - Shivpuri Damuchak, Lane No. 2, Near Railway Line P.S. - Kazi Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishwanath Ojha, Son of Ram Dayal Ojha, Resident of Village Hussepur Matiya, P.S. - Sahebganj, District - Muzaffarpur.
3. The Additional Director General, Vigilance Investigation Bureau, Patna, Bihar. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 23-07-2021 Heard learned counsel for the petitioner and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Sahebganj P.S. Case No. 179 of 2013, registered under Sections 171, 420 and 408 of the Indian Penal Code and Sections 7 and 13(c) of the Prevention of Corruption Act.

The accusation is that Plot Nos. 8079, 8081, 8088, 7750, 7751, 8078, 5198, 788 and 7989 under Khata No. 1481 and Plot No. 7771 under Khata No. 543, area 1.28 decimals, are the purchased land of the family of complainant-informant,



Bishwanath Ojha but the said land was in the name of his elder brother, Jamun Ojha, while complainant-informant have four brothers and all residing jointly. In the joint family, Jamun Ojha died in the year 1998 leaving behind a son, Shankar Ojha and a daughter Lalpati Devi. Later on, dispute arose regarding shareholders of the aforesaid land, regarding which, Partition Suit No. 343 of 1999 was filed. In spite of notice, only Mahendra Ojha and Rambha Devi appeared and the case proceeded ex-parte before the Sub-Judge-II, Muzaffarpur, where ex-parte decree was passed deciding 1/4th share of complainant-informant, Bishwanath Ojha and that facts was in the knowledge of all parties but Ram Ekwai Patel, Halka Karmachari of Halka No. 5, Office Sahebganj, under conspiracy of other accused named in the complaint petition for taking illegal gain, obtained the application for mutation in the name of dead person. While earlier, complainant-informant had given an application for cutting the green tree by Shankar Ojha, son of Jamun Ojha, Bittu Ojha and Lalan Bhagat, on which, Circle Inspector, Sahebganj, demanded the report from Ram Ekwai Patel, Halka Karmachari and Ram Narayan Sharma (petitioner), Circle Inspector, special reported that the mango tree is in the share of complainant-informant, regarding that information may be



given to Forest Department and also detailed about 1/4th share in the land of complainant-informant. In spite of that under conspiracy of Shankar Ojha, Son of Jamun Ojha, all lands were mutated in the name of dead person and the rent receipt was being issued, which clearly indicates about committing forgery.

Learned counsel for the petitioner submits that after filing the complaint by the complainant-informant, Bishwanath Ojha, Special Judge, Vigilance, Muzaffarpur, sent the Complaint Petition No. 02 of 2009, which is the basis of the present case at Sahebganj Police Station for inquiry against named accused, Ram Eqbal Patel and Shankar Ojha, but the petitioner, who is Circle Inspector, Sahebganj, has also been implicated in the present case with false allegation.

Mr. Yogendra Kumar, learned APP appearing for the State submits that carbon cop of the case diary, which is up to paragraphs 77, has been received and in the case diary, only statement of the informant, allegation has been made against the petitioner and in the supervision note, as detailed in paragraph 48 of the case diary, it has claimed that petitioner had also knowledge about the death of the person, in whose name, mutation was made.

Having regard to the facts and circumstances of the



case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, North Bihar, Muzaffarpur, in connection with Sahebganj P.S. Case No. 179 of 2013, Spl. Case No. 32 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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