

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31638 of 2020

Arising Out of PS. Case No.-236 Year-2019 Thana- SISWAN District- Siwan

Chaneswar Ram @ Chandeshwar Ram, aged about 50 years, (Male) S/O
Motha Ram @ Modha Ram, Resident of Village - Ghurghat, P.S.- Siwan,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajneesh, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Rajneesh, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Siswan (Chainpur OP) PS Case No.236 of 2019 dated 03.12.2019, instituted under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code.

4. The allegation against the petitioner is that he was the illegal clerk and agent for the Revenue Karamchari and was instrumental in creating forged settlement order in favour of the other co-accused and issuing rent receipts to them.

5. Learned counsel for the petitioner submitted that



there is no direct link with him as he is not an employee of the authorities and has no connection with the dispute. It was submitted that it is between other co-accused as they had interest and authority in the matter. Learned counsel submitted that even the records, which are said to have been created and relied upon, are not in the custody of the petitioner and, thus, he is not liable for any interpolation or forgery committed in the same. Learned counsel submitted that other co-accused have been granted anticipatory bail by the Court below, though no details have been brought on record with regard to the same.

6. Learned APP submitted that the petitioner cannot be said to be innocent as he is the main person, who is said to be the agent of the Revenue Karamchari and, thus, it was he, who used to do the dirty works. Learned APP submitted that the petitioner was party to the falsification of records where based on interpolation made on the so-called order of the Circle Officer in which the prayer for mutation of other co-accused had been rejected, the same was shown as having been allowed and thereafter receipts were issued in favour of the other co-accused. Learned counsel submitted that the matter is worse as the allegation is that he, without any authority, was doing the work of the Revenue Karamchari and, thus, it is obvious that he had



major role acting as agent for consideration and further, that without any official power or authority he was acting in the matter and playing with the public records and committing illegalities without any control or accountability.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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