

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39685 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

SHIV KUMAR BHARTI, Son of Ram Ashish Bharti Resident of Village -
Bankajua, P.S. - Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-06-2021 Heard Mr. Ramchandra Singh, learned counsel

for the petitioner and Mr. Mr. Ram Priya Sharan Singh,

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bhagwanpur Hat P. S. Case No.
33 of 2020, dated 13.02.2020, instituted for the
offences under Sections 420, 467, 468, 469, 188 and
34 of the Indian Penal Code.

The accusation against the petitioner, levelled
by the Circle Officer, Bhagwanpur Hat, is that after
bringing the Revenue *Karamchari* in collusion and
tampering with the records, a *Gair Mazarua Malik* land



has been grabbed by the petitioner and illegally construction has been made over it.

The learned counsel for the petitioner has submitted that the accusation against him is absolutely false. The land actually belonged to one Mahanth Ram Narayan Giri, who had gifted the same by way of a *Patta* to the father of the petitioner a long time ago. The father of the petitioner came in peaceful possession of such plot of land which ultimately devolved upon the petitioner.

The learned counsel for the petitioner has further submitted that one Lilawati Devi had filed a complaint before the Sub-divisional Public Grievance Redressal Cell Officer, Maharajganj that the land occupied by the petitioner is a *Gair Mazarua Malik* land and the petitioner has wrongly encroached upon the said land. An enquiry was conducted, in which a unilateral observation was made by such Officer which has led to the lodging of the subject F.I.R.



The learned counsel for the petitioner has submitted that had the petitioner been noticed by the Public Grievance Redressal Officer, such confusion would not have arisen. He further submits that according to the own records of the Revenue Authorities, the name of the father of the petitioner has been shown to have been mutated with respect to the aforesaid land. The learned counsel for the petitioner further submits that he has been paying rent for the aforesaid land which also is part of the revenue records.

Considering the afore-stated facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri A. K. Tripathi, Judicial Magistrate, Siwan, in connection with Bhagwanpur Hat



P. S. Case No. 33 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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