

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41343 of 2021

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

RAMEKBAL PATEL Son of Late Bholanath Rai @ Bholanath Patel Presently posted as Halka Karamchari at Sakra Anchal, P.S.- Sakra, District- Muzaffarpur, at the relevant time was posted at Halka Karamchari at Sahebganj Anchal, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Vigilance	:	Mr. Rana Vikram Singh, Spl. P.P. (Vigilance)
For the Opposite Party/s:		Mr. Nagendra Prasad, Advocate Mr. Ajit Kumar A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

9 21-04-2022 Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 27.05.2021, seeks regular bail in connection with Sahebganj P.S. Case No. 179 of 2013 dated 10.08.2013 registered for offences punishable under Sections 171, 420, 468 of the Indian Penal Code and Sections 7/13(c) of Prevention of Corruption Act, 1988.

A complaint petition was filed on 15.01.2009 before the learned Special Judge, Vigilance, Muzaffarpur by one Bishwanath Jha, against Shankar Ojha, who is (accused no.4) to the



Complaint Case No. 2 of 2009 and other accused persons. Petitioner is accused no.3. It is alleged that the accused persons knowingly and deliberately prepared false documents by committing criminal misconduct in connivance with co-accused Shankar Ojha and on the basis of said document 1.28 decimal of purchased land pertaining to Khata No. 1481, Khesra No. 8079, 8081, 80, 88, 7750, 7751, 8078, 5198, 788, 7989 and Khesra No. 7771 of Khata No. 543. The land was mutated and correction slip was issued in favour of co-accused Shankar Ojha. It has been alleged that no notice was issued to the complainant, who is the uncle of Shankar Ojha. Preliminary enquiry was conducted by DCLR, who has submitted report vide Letter No. 69 dated 27.04.2010 prima facie finding allegations against two persons Shankar Ojha and Ram Ekbal Patel to be made out under Section 171, 420, 468 of the Indian Penal Code and Section 7/13(c) of the Prevention of Corruption Act. The District Magistrate, Muzaffarpur being the competent authority considered the materials and issued the necessary sanction vide memo no. 192/legal dated 13.07.2021 for prosecution of the petitioner, who is the Halka Karmachari of Halka No. 05, Block- Sahebganj, Muzaffarpur pursuant to which charge-sheet was submitted against the petitioner and other accused persons on



23.07.2021 under Sections 171, 420, 468 of the Indian Penal Code and Section 7/13(c) of prevention of Corruption Act for misusing his authority as a public servant for having prepared forged document in the name of Yamuna Ojha in the year 2008, who had died much prior to the date on which the correction slip was issued.

Learned counsel appearing on behalf of the petitioner submits that there is remedy of appeal against the order of Anchal Adhikari and in the present case, the appeal was also filed and after order having been quashed, the case has been remanded back to the concerned C.O./Adhikari. The petitioner was only found to be have held inquiry and it is the Circle Officer, who had exercised his jurisdiction illegally without holding any personal enquiry in the matter and had issued correction slip in the name of co-accused Shankar Ojha. It is the duty cast upon the Circle Officer to issue notice to all the concerned persons including the family members of the present petitioner, who have direct interest in the ancestral property, however, the Circle Officer has not followed the said procedure prescribed under provisions of Bihar Land Mutation Act, 2011. Petitioner for no fault is in custody since 27.05.2021. Petitioner may be released on bail on any condition imposed by this Court.



Sri Rana Vikram Singh, learned counsel appearing on behalf of the vigilance has relied on several paragraphs of the counter affidavit and supplementary counter affidavit and has made specific submission that it is not only the present petitioner who is involved in forging documents at the circle level but there is racket operating in circle offices involved in illegal act. He submits that the records available in the circle office were examined by him and he has found that there are discrepancies. He submits that Register-1 and Register-2 were not maintained in the circle office, blank revenue receipt were found, antedated legal documents relating to mutation were found at the Circle Office. Matter being of serious nature he took up the matter to the Director, Vigilance for taking all legal action against the persons involved at circle level.

Sri Rana Vikram Singh further submits that, the matter was discussed with the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar who has taken the matter very seriously in the interest of public at large and vide order contained in memo No. 419 dated 19.04.2022 had directed holding of inspection dated 27.04.2022 with respect to all the circle offices in 38 district of the State including District- Muzaffarpur in which Sahebganj Circle is located. He



has produced a copy of memo no. 419 dated 19.04.2022 before this Court.

He further submits in the present case, the investigation has already taken place and charge-sheet has been submitted. The affairs of the present Circle Office was seriously looked into by the officers of the Vigilance Department and in this regard, he has also brought the relevant documents to its notice relating to the concerned circle namely, Shahebganj, District-Muzaffarpur. He further submits that so far as the present petitioner is concerned, charge-sheet has been submitted against him and trial has also proceeded in the matter and as such petitioner does not deserve to be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

It appears to this Court that practical difficulties are being faced at the level of Circle Office due to non filling of different categories of posts which has laid to penetration in the mind of people to use improper use of favour in discharge for personal gain leading to large scale corruption at circle level. It is now known that at circle level work load is very high, which slow down the work by government employees. Consequently, these employees then indulge in bribery in return for faster de-



livery of work. Hence, this opportunity to bribe can be removed by bringing in more employees in government offices.

If required a joint meeting may be held with the circle officers on periodic basis and to arrive at definite measures to minimise the interference of '*dalaals*' in the vicinity of the circle office and quick implementation of law. Strict punishments need to be meted out to guilty officers.

Having heard the rival submission of the parties, material which has surfaced in course of investigation as well as the pleading made in the counter affidavit filed on behalf of the Vigilance, charge-sheet has already been submitted in the present case, there is no allegation of tampering the evidence or influencing the witnesses, petitioner is in custody since 27.05.2021, prima facie petitioner has made out a case to be released on bail.

The Court below is directed to confirm the fact as to whether statement made in paragraph no.3 of the bail application is correct or not. If only one case is pending against the petitioner, the petitioner above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance,



North Bihar, Muzaffarpur in connection with Sahebganj P.S.
Case No. 179 of 2013 dated 10.08.2013 subject to the following
conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

Let a copy of this order be communicated to learned Advocate General, Bihar and Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar.

(Purnendu Singh, J)

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