

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58989 of 2022

Arising Out of PS. Case No.-49 Year-2017 Thana- DERNI BAZAR District- Saran

1. RAJ KUMAR Son of Rameshwar Prasad Resident of mohalla Bari Khagaul, P.S.- Khagaul, District- Patna, at present posted as Circle Officer in Ara Sadar, P.S.- Ara Sadar, District- Ara
2. ANIL KUMAR TIWARI Son of Ramesh Chandra Tiwari Resident of East Hemnagar Sandha, P.S.- Chapra Muffasil, District- Saran, at present posted as Circle Inspector in Circle Office, Amnour, P.S.- Amnour, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narayan Shahi, Sr. Adv. Mr. Shivam, Adv.
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2022 Heard learned Senior counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420, 467, 468 and 34 of the Indian Penal Code.

As per the F.I.R., the informant alleged that the co-accused Usha Singh and her husband Shashi Bhushan Singh prepared a forged sale deed of her land measuring 1 Bigha 4 Katthas and 15 Dhurs and on the basis of the said forged sale deed they are trying to get mutated the same in their names. On getting such informant when the informant filed objection



petition before Circle Officer, Dariyapur namely petitioner Raj Kumar and petitioner Anil Kumar Tiwari being Circle Inspector of Dariyapur in a conspiracy with the name accused persons have created jamabandi in favour of the co-accused Usha Singh.

Learned Senior counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that petitioners are not named in the F.I.R.. He submits that during the investigation petitioners have been made accused in this case. He further submits that after investigation police has filed final form against the petitioners but the learned Court below deferred the final form and taken cognizance against the petitioners. He submits that other co-accused Usha Devi and Shashi Bhushan Singh has been granted bail by the learned Court below itself. He further submits that the matter related to year 1994 and allegation against the petitioner is that without verifying the document the petitioner mutated the said land in favour of the Usha Devi and Shashi Bhushan Singh. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Per contra, learned APP for the State vehemently opposing bail petition and submits that petitioners mutated the



said land in favour of the co-accused even after knowing that the documents presented for mutation was forged. He further submits that the allegations levelled against the petitioners are serious in nature. Hence, they does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that the forged document was presented before the Circle Officer for mutation of the land and the Circle Officer did not file any complaint against the co-accused who presented forged document rather he mutated the land in favour of the co-accused who presented the forged document, I am not inclined the enlarge the petitioners on bail in connection with Derni P.S. Case No.49/2017. Accordingly, their prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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