

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33230 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- AAJAM NAGAR District- Katihar

=====

SANJAY KUMAR Son of Late Vishwanath Prasad Sinha Resident of Adarsh
Nagar, Road No.- 2, Manjhaulia, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ansul

Mr. Shivam

For the Opposite Party/s : Mr. Syed Ehteshamuddin

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 420/34 of

the Indian Penal Code.

3. The allegation against the petitioner is that he

along with his office staffs conspired and forged the documents

to cause wrongful loss to the real land owner.

4. It is submitted by learned counsel for the

petitioner that no such occurrence as alleged ever took place.

He has been falsely implicated in this case on account of some

misunderstanding in relation to counter affidavits filed on

behalf of the State in C.W.J.C. No.1218 of 2022. It is further



submitted that from bare perusal of the F.I.R., it is evidently clear that nobody was cheated as there was no delivery of any property or valuable security to any persons or anything which was signed or sealed and capable of being converted into a valuable security. It is further submitted that petitioner was a gazetted officer with spotless service record. It is further submitted that merely that dispatch number was not entered on the letter would be penal as the same was the duty of the clerical staff rather than any officer. It is further submitted that the entire confusion has arisen because the writ petitioner of C.W.J.C. No.1218/2022 managed to obtain copy of draft notice from the office of the Circle Officer, Azam Nagar wherein Plot No.371 and not Plot No.317 belonging to the petitioner was mentioned. There was no seal of the Circle Officer, Azam Nagar on the said notice, encroachment case number was not mentioned therein. It is also submitted that petitioner had not permitted his staff to issue the said notice. However, in course of signing various documents, it is his case that he may or may not have put his initial signature on the draft of the notice which was never issued. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Azam Nagar P.S. Case No. 94 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

