

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52078 of 2023

Arising Out of PS. Case No.-80 Year-2017 Thana- GANDHIMAIDAN District- Patna

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KRISHNA KUMAR SINGH @ KRISHANA KUMAR SINGH SON OF
LATE BALESHWAR NATH SINGH RESIDENT OF VILLAGE- FLAT NO
302, NAMITA ENCLAVE, RANJAN PATH, PS- RUPASPUR, DISTT-
PATNA, THE THEN CIRCLE OFFICER, PATNA SADAR, PS- GANDHI
MAIDAN, DISTT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Binod Singh, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Gandhi Maidan PS case no. 80 of 2017,
registered for the offences punishable under Sections 420, 467,
468, 471, 120(B)/34 of the Indian Penal Code.
3. The case of the prosecution, in brief, is that on
27.05.1987, one Most. Ramsakhi Devi had gifted the plot in
question, situated at Kunkun Singh Lane, PS-Pirbahore,
District-Patna to her daughters namely Gayatri Devi and Lalita
Devi. The complainant is stated to have constructed 06 rooms
on the land gifted to her by her mother and had given the same



on rent to one Manoj Kumar, however, subsequently, the said Manoj Kumar stopped giving rent to the complainant and when the son of the complainant enquired about the actual state of affairs, he came to know that Jamabandi has been created in favour of the said Manoj Kumar vide Jamabandi case no. 80/04-2015-16. It is also alleged that the petitioner, who was then posted as Circle Officer, had passed the order in the aforesaid Jamabandi Case in favour of the said co-accused person namely Manoj Kumar, on the recommendation of the *Halka Karamchari* namely Anil Kumar Lal and Circle Inspector namely Achal Kumar Rana.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner has passed the order in the aforesaid Jamabandi case in course of discharge of his official duties, based on the materials placed before him and in case, the complainant is aggrieved by the same, she should take recourse to the due process of law for challenging the said order. It is also submitted that the petitioner had passed the order in favour of the said Manoj Kumar in the aforesaid Jamabandi case, based on the sale deed produced by the said Manoj Kumar, hence, if at



all, the complainant is aggrieved, she should approach the competent civil court having appropriate jurisdiction for annulment of the sale deed in question. Lastly, it is submitted that the aforesaid Manoj Kumar has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.09.2017, passed in Cr. Misc. no. 45182 of 2017.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the petitioner, in the course of discharge of his official duties, had passed an order in the aforesaid Jamabandi case, based on the sale deed, produced by the said Manoj Kumar as also on the recommendation of the *Halka Karamchari* and the Circle Inspector, apart from the fact that the said Manoj Kumar has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, hence I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the



event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M. XIV, Patna in connection with Gandhi Maidan PS case no. 80 of 2017, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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