

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53705 of 2023

Arising Out of PS. Case No.-198 Year-2019 Thana- SURSAND District- Sitamarhi

1. RATNESH RAI S/O PUNIT RAI R/O VILLAGE- DEWARI MATAUNA, P.S- SURSAND, DISTT.- SITAMARHI.
2. AARTI DEVI W/O SURESH RAI R/O VILLAGE- DEWARI MATAUNA, P.S- SURSAND, DISTT.- SITAMARHI.
3. SUNITA DEVI W/O SINHALESH RAY R/O VILLAGE- DEWARI MATAUNA, P.S- SURSAND, DISTT.- SITAMARHI.
4. RANJEETA DEVI W/O BIMLESH RAI R/O VILLAGE- DEWARI MATAUNA, P.S- SURSAND, DISTT.- SITAMARHI.
5. BILT DEVI W/O PUNIT RAI R/O VILLAGE- DEWARI MATAUNA, P.S- SURSAND, DISTT.- SITAMARHI.
6. PUNIT RAI S/O LATE RAMRUP RAI R/O VILLAGE- DEWARI MATAUNA, P.S- SURSAND, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-12-2023 Heard Mr. Pushpendra Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Prasad Nat, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sursand P.S. Case No. 198 of 2019 registered for the offence punishable under Section 420/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., by forging signature of D.C.L.R., Pupri and S.D.O., Pupri, the petitioners



got created Jamabandi Nos. 3160, 3161, 3162, 3163, 3164, 3165 and 3166 in their favour. Such forgery was committed at the Circle level and the Public Grievance Redressal Authority has also found the complaint of the informant to be correct and recommended for cancellation of Jamabandi Nos. 3161 to 3166 created in favour of the petitioners.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and in Para-13 of the bail application, the petitioners have stated that save and except the land which were allotted to the petitioners through the Basgit Parcha, there are no land to the petitioners. However, he admits that without any connivance of the Circle Office or Circle Officer, the forgery of creating Jamabandi in favour of the innocent petitioners who are illiterate can be committed. Petitioners have been allotted land as per the government policy and no where petitioners were involved in alleged forgery of taking advantage of an order on the basis of forged signature.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners submitting that there are materials against the petitioners which have been collected in course of investigation. He, however,



admits that without involvement of the Circle Office, such offence cannot take place.

6. Having considered the rival submissions made on behalf of the parties as well as the fact that the petitioner nos. 1 to 6 after preparing a document on behalf of the D.C.L.R., Pupri and S.D.O., Pupri and by committing forgery of their signature had managed to get the Jamabandi created in their favour. The complicity of the officials of the Circle Office, Pupri cannot be denied. At the same time, this Court is surprised as to why no action has been taken against them and the Circle Officer who was holding office at the relevant point of time. I don't find any merit in the argument advanced by Mr. Pushpendra Kumar Singh, learned counsel appearing on behalf of the petitioners.

7. The present bail application stands rejected.

8. However, the petitioners may surrender before the court below and seek regular bail. The District Court is directed to pass order on the basis of the material available on the record in accordance with law considering the fact that the petitioners are illiterate persons and landless as has been stated in Para-13 of the bail application.

9. Let a copy of this order be communicated to the Additional Chief Secretary, Revenue and Land Reforms



Department, Government of Bihar, Patna for taking appropriate
action.

(Purnendu Singh, J)

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