IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56454 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- PIPRA District- Supaul

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Arun Kumar Verma S/O Late Rajendra Lal Das @ Rajjo Verma @ Rajjo Patwari R/O Karuwaly, Besadh, Kumarkhand, Israil Khurd, P.S.- Kumarkhand, District- Madhepura. ... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner : Mr. S.D. Sanjay, Senior Advocate
Mr. Mohit Agarwal, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
C.A.V. ORDER

4 25.02.2022 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in Pipra P.S. Case No. 266 of 2021 registered for the offences punishable under Sections 409, 420, 467 & 468 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner, being the Revenue Officer, has made manipulation in Jamabandi No.72 with respect to Halka No.8 dated 25.01.2006 for personal gain leading to land dispute and public tranquility.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner was working as Revenue Officer, Pipra for the period 2005-09 and was discharging his duties in terms of law. Thereafter, the petitioner was transferred to another Block and from there he superannuated from the services in the year 2015. It is further submitted that there was never any complaint regarding any discrepancy or default on part of the petitioner while discharging his duty as Revenue Officer at different places much less while discharging his duty at Pipra. The petitioner on the basis of the earlier entry in the Register-II with respect to the land in question i.e. Jamabandi No.72 in the name of Hito Khatbey, issued receipt in his name in the financial year 2005-06 in discharge to his duties attached to his job. It is further submitted that the Appellate Public Grievance Redressal Authority, Supaul in its order dated 01.04.2021 alleged that false Jamabandi was created in the year 1969-70, whereas the petitioner has worked there only for the period 2005 to 2009 and admittedly the revenue receipt number 480104 dated 25.02.2006 was one of the allotted revenue receipts which is a genuine receipt issued by the petitioner. There exists a title dispute between one Sri Ravindra Sharma and Sri Sanjeet Kumar Choudhary with respect to the land in question with respect to which the complaint was filed giving rise to the present prosecution. It is further submitted that the petitioner has no concern of any nature or interest in the land in dispute or with Ravindra Sharma or any grievance with Sanjeet

Kumar Choudhary, neither the petitioner has received any gratification or personal gain for the alleged forgery, and therefore the petitioner has been falsely implicated in the present case. It is further submitted that the alleged manipulation in the revenue receipt of inserting the name of Ravindra Sharma and striking out of the name of Hito Khatbe was not in the writing or under the signature of the petitioner, moreover, the exact date of alleged manipulation of the same has not been stated either in the order or the letter on the basis of which in the present prosecution has been lodged and, therefore, it is a clear case of false implication of the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State vehemently opposing the bail petition submitted that the petitioner is the F.I.R. named accused. The allegation against him is that while working as Revenue Officer has made manipulation in Jamabandi No.72 with respect to Halka No.8 dated 25.01.2006 for personal gain leading to land dispute and public tranquility. He further submitted that the learned Court below, while rejecting the prayer for bail of the petitioner, has noted that the witnesses in paras-8, 9, 17, 26, 27 and 28 has averred that the petitioner has made manipulation in the revenue records and further in para-15, the allegation against him is found to be true. Hence, the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the fact that the said alleged manipulation has been found of the period while the petitioner was posted as Revenue Officer and the allegation is serious in nature, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J.)

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