

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55853 of 2022

Arising Out of PS. Case No.-81 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Rakesh Kumar S/O Late Kamla Prasad Resident Of Village Dinara, Po And
Ps - Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok, Advocate

For the State : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-03-2023 Heard Mr. Alok, learned counsel appearing on behalf
of the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. The petitioner seeks anticipatory bail in connection
with Sasaram (Model) P.S. Case No. 81 of 2019 for the offences
punishable under Sections 420, 417, 406, 409, 467, 468, 471,
201 and 120(B) of the Indian Penal Code.

3. Prosecution story, in brief, is that a complaint case
was filed by one Sanjay Kumar Gupta against three government
employees posted at Circle Office, Sasaram, who have allegedly
mutated government land measuring 1 acre 48 decimal
appertaining to Khata No. 47/104 Plot No. 464 and 465 situated
in village - Patadhi valued Rs. 5 crores in favour of the accused
no. 3- Ram Pyare Mahto.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he is a Halka
Karamchari and he has no role to play in aforesaid mutation



proceeding. He further submitted that the jurisdiction is of the Circle Officer to mutate a land on the basis of valid documents in favour of the persons seeking mutation. He further submitted that the petitioner is only required to submit a report after verifying the records maintained at Circle Office as well as inspecting the spot and the said report is part of the F.I.R wherein the comment recorded by the petitioner reveals that he has reported that the land belongs to the government and the same has been distributed among landless persons for the implementation of Bhudan Yojna.

5. He further refers to Register-II to show that it is the Circle Officer who has made interpolation in the Register by entering name of one Sangita Devi, wife of Ajay Singh. It is further submitted by the learned counsel appearing on behalf of the petitioner that Sanjay Kumar Gupta has not disclosed his identity in the complaint or solemn affirmation. As per the provision of the Code of Criminal Procedure, the said fact is not reflected as to how the said Sanjay Kumar Gupta is interested in lodging the F.I.R. The F.I.R also contains certain land receipts relating to have been issued with respect to Khata Nos. 47 and 104 in support of his contention that petitioner is innocent and he has reported that the land is recorded in the name of the



government. On these grounds, the petitioner seeks pre-arrest bail.

6. Learned APP appearing on behalf of the State has vehemently opposing the prayer for grant of bail to the petitioner submitted that the petitioner has not participated in the proceeding as it would reflect from the order dated 21.08.2022. He further submitted that on the merits also the petitioner don't deserve to be granted anticipatory bail because records reveals that tampering has been made at the Circle level and the petitioner cannot discharge himself from the allegation levelled against him.

7. Having considered the rival submissions made on behalf of the parties, the materials on record, allegation made in the F.I.R, prima facie it appears that the Register-II annexed with the F.I.R reveals that the total land appertaining to Khata No. 47/104 Plots No. 208, 464, 465, 470, 208, 464, 465, and 470 measures 1 acre 46½ decimal, out of which some land have been mutated in the name of Ram Pyare Mahto vide Mutation Case No. 1136 of 2017-18 by the then Circle Officer, Sasaram as it would reflect from the order-sheet relating to Mutation Case No. 1136 of 2017-18. Some of the land has been allegedly mutated in the name of one Sangita Devi, wife of Ajay Singh.



However, Register-II to that effect appears to have been interpolated at the Circle level, while the report submitted by the petitioner who is a Halka Karamchari reveals that total land belongs to the State government which was gifted by ex-landlord under Bhudan Yojna.

8. This Court can only conclude on the basis of the documents that mass scale illegality is being committed at the level of Circle Office and the Circle Officer, Halka Karamchari, Amin and their private attorney are involved in such illegality in tampering government records and committing forgery with the innocent people.

9. This Court finds no merit in the bail application. accordingly, it is dismissed.

10. The District Magistrate and Superintendent of Police- Sasaram are directed to get them self aware of the affairs of the Circle Offices of Sasaram and take appropriate action to stop corruption.

(Purnendu Singh, J)

Mantreshwar
aditya/-

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

