

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63773 of 2023**

Arising Out of PS. Case No.-579 Year-2022 Thana- RAJAON District- Banka

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JAISHANKAR PRASAD SINGH @ JAISHANKAR PRASAD SON OF  
KULDIP MAHTO RESIDENT OF VILLAGE - BALLIKITTA, POLICE  
STATION - AMARPUR, DISTRICT - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Kumar Mahendra

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      18-10-2023      1. Heard learned Counsel for the petitioner, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Rajoun Police Station Case No. 579 of 2022, disclosing offences under Sections 420/467/468/471/120(B) of the Indian Penal Code.
3. As per the First Information Report, the petitioner, who was the Halka Karamchari at that time, in connivance with one Vishnu Kumar Singh and other accused person, mutated the land, in question, in the name of dead person, namely, Amrendra Prasad Singh, appertaining to Mouza Kushalpur, Thana No. 470, Anchal Rajoun, Khata No. 101, Khesra No. 374, ad-measuring 1.17 decimal, on



the basis of forged sale deed, bearing No. 10174, dated 04.02.1974.

4. Learned counsel for the petitioner submits that the petitioner is Halka Karamchari, who recommended for mutation in the name of Amrendra Prasad Singh, on the basis of sale deed produced on his behalf before the petitioner. He further submits that after enquiry the mutation done in the name of Amrendra Prasad Singh *vide* Mutation Case No. 6075 of 2021-22 has already been cancelled by the Circle Office *vide* letter No. 1924, dated 01.10.2022. He next submits that co-accused Anirudh Prasad has already been granted bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 59778 of 2023.
5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that a similar attempt was made earlier for getting the name of Amrendra Prasad Singh, mutated on the basis of the original sale deed, having Sale Deed No. 10186, dated 29.09.1984, after his death, but upon objection being made by the side of informant the same was rejected, as would be evident from rejection order, dated 24.06.2021,



at page-18, which is part of the First Information Report. He further submits that again an attempt was made for getting the name of wife of late Amrendra Prasad Singh, namely, Subhadra Devi, mutated, which was also rejected on 18.05.2022, upon objection being made by the side of the informant, which is at page-16, being the part of the First Information Report. Now, the petitioner, in connivance with the co-accused persons and by misusing his official position, submitted a report on 09.06.2022, on the basis of forged and fabricated sale deed, for mutation in the name of dead person, namely, Amrendra Prasad Singh, whose request was already rejected earlier by the Office of the Circle Officer *vide* rejection order, dated 24.06.2021. The document upon which the petitioner has submitted his mutation report, dated 09.06.2022, is a forged sale deed, bearing Sale Deed No. 10174, dated 04.02.1974, having the similar details of land, in question, as mentioned in original sale deed, dated 29.09.1984. He further submits that from perusal of the letter of the Circle Officer, dated 01.10.2022, it is evident that while rejecting the mutation done on the basis of recommendation made by the petitioner, the Circle



Officer has noted that the then Halka Karamchari had submitted wrong report due to which the mutation order was passed by the Circle Officer.

6. I have heard learned counsel for the parties and perused the materials available on record. It appears that earlier on two occasions, the request for mutation on behalf of late Amrendra Prasad Singh and his wife, Subhadra Devi, was rejected based upon the report of the Halka Karamchari, but this time the petitioner has recommendation, after enquiry, for mutation in name of dead person, namely, Amrendra Prasad Singh, who admittedly died in year 2018, based upon the manipulated and forged sale deed. Learned Additional Sessions Judge-I, Banka, while rejecting the anticipatory bail application of the petitioner, has taken note of this fact, accordingly, I do not have any reason to grant anticipatory bail to the petitioner and to differ with the finding of the learned Additional Sessions Judge-I, Banka.
7. This application is, accordingly, dismissed.

**(Anil Kumar Sinha, J)**

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