

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61117 of 2023

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

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Anil Kumar Lal Son Of Late Chandrika Prasad Resident Of Village- Flat No. 201, Nupur Apartment, Mohalla- Salimpur Ahra (Lane No. 1), Kadamkuan, P.S.- Ganghi Maidan, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suryakant Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Suryakant Kumar, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Gandhi Maidan P.S. Case No. 80 of 2017, registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code.

3. It is alleged that one Most. Ramsati Devi, gifted the plot in question to her daughters, namely, Gyatri Devi and Lalita Devi. The complainant as stated to have constructed a house over it 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 son of the complainant inquired about the actual state of affairs it came to know that co-accused Manoj Kumar, in collusion with the petitioner, who happens to be Halka Karmchari, along with Circle Officer has created a Jamabandi in favour of said Manoj Kumar.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner being Halka Karamchari was supposed to make physical verification of the land and recommend for creation of Jamabandi however, the aforesaid exercises have been done on the basis of the documents furnished by co-accused Manoj Kumar and in that view of the matter the petitioner is no way said to have committed any criminal act. He further drew the attention of this Court to a judgment passed in Title Eviction Suit No. 112 of 2016 in respect of the same plot, wherein the co-accused Manoj Kumar is shown as owner of the said land. He thus submitted that prima facie, it appears that dispute in question is a civil dispute between the co-accused Manoj Kumar and the complainant, which has been given the color of criminal case by making false allegation against the government officials. Learned counsel further submits that co-accused Manoj Kumar, against



whom the entire allegation revolves around, has been allowed the privilege of anticipatory bail in Cr. Misc. 45182 of 2017. Recently the Circle Officer has also been allowed bail by learned co-ordinate Bench of this Court in Cr. Misc. 5207 of 2023, the copy of which is marked as Annexure P/4.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is carrying a criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the dispute which predominantly appears to be civil in nature, all the more the co-accused Manoj Kumar, against whom there is entire thrust of allegation of committing fraud, has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. -XIV, Patna in connection with Bihar Gandhi Maidan P.S. Case No. 80 of 2017, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors



shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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