

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78165 of 2023

Arising Out of PS. Case No.-684 Year-2023 Thana- BODHGAYA District- Gaya

Shiv Shankar Ray Son Of Sri Hari Narayan Ray Village- Lilari Uttar Tola,
Chanki Meari Bazar Ps- Baghaiya Dist- Rohtas, Circle Officer, Gaya Sadar
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate

For the Opposite Party/s : Mr.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-12-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in
connection with Bodhgaya P.S. Case No. 684 of 2023 dated
22.08.2023 registered for the offence/s punishable u/s 420 read
with section 34 of the Indian Penal Code.

4. As per the prosecution case, the instant FIR has
been lodged upon memo no. 1222 dated 22.08.2023 addressed
to the SHO by the present Circle Officer (Informant), Bodhgaya
mentioning reference no. 4079/Ra dated 21.08.2023 under the
office of Collector, Gaya wherein it has been alleged that a lot



of irregularities were carried out in making mutation of the land lying under Mauza- Dhanawa, Thana No. 351 within the jurisdiction of Bodhgaya Circle and he further alleged that the then concerned officer and employee were responsible for mentioning different Khata Khesra number from the sale deed and wrongly mutated the said land.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the present FIR against the petitioner is misuse of administrative power at the end of District Head Administrator without observing the mandates of either law or due procedure, and the earlier issued standing orders of the State Government from time to time. It is further submitted that *prima facie* case under section 420 of the IPC is not attracted against the petitioner. It is further submitted that the four member committee was constituted by the District Magistrate *vide* letter no. 678 *vide* order dated 04.02.2022 in haste. The matter-in-issue was remanded *vide* order dated 21.10.2022 passed in BLT Case no. 251 of 2022 with BLT Case no. 252 of 2022. Thereafter the present case has been instituted at the instance of the order of District Magistrate, Gaya *vide* letter no. 4079/Ra dated 21.08.2023. It is further submitted that the Circle Officer is the very first court of law with regard to



the revenue matter of 'mutation', therefore it is contended that the right or wrong mutation that has duly been adjudicated and delivered by the learned C.O. of concerned jurisdiction, the same can be altered, corrected and set aside by the appellate courts in hierarchy. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Bodhgaya P.S. Case No. 684 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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