

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5155 of 2024

Arising Out of PS. Case No.-122 Year-2023 Thana- GURARU District- Gaya

=====

RAM VINAY MOCHI SON OF MUNGESHWAR MOCHI R/O VILLAGE-
FATEHPUR, P.S.- PARAS BIGHA, DIST.- JEHANABAD, AT PRESENT
RESIDENT AT VILLAGE- BARNI TOLA BIRANCHI, P.S.- DHANARUA,
DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Guraru P.S. Case No. 122/2023 instituted under Sections 409, 420, 467, 468, 471 of the Indian Penal Code lodged on 3.7.2023 by the informant, Sanjeev Kumar trivedi.

3. As per the prosecution story, the Circle Officer, Guraru, Gaya lodged FIR on the instruction of the District Magistrate, Gaya stating that in certain plots, the name of Khatiyani Raiyat was deliberately not incorporated by this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he being posted at the relevant time there as a Revenue Clerk, on the basis of the said allegation already stands suspended and in



such cases, ultimate decision is to be taken by the Circle Officer and not by the Revenue Clerk. The further submission is that he is ready to cooperate in the investigation and will be diligently appearing in trial, if granted relief. He is also on the verge of retirement as also health ailment.

5. Learned APP opposes the prayer stating that the petitioner being Revenue Clerk at the relevant time chose not to incorporate the name of the Khatiyani Raiyat in the revenue documents.

6. Though, there is allegation against the petitioner, he has already been suspended, proceeding will go on against him, he is ready to cooperate in the investigation/trial, do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Guraru P.S. Case No. 122/2023 to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

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

