

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38735 of 2016

Arising Out of PS. Case No.-163 Year-2014 Thana- BAKHTIYARPUR District- Patna

Binay Kumar, Son of Late Nawal Kishor Prasad, Resident of Mohalla- Tikiya
Toli Mogalpura, Police Station- Khazakalan Patna City, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

12 09-12-2024 Heard Mr. Navin Kumar, learned counsel for the

petitioner and Mr. Binod Kumar No.3, learned APP for the

State.

2. The instant criminal miscellaneous petition has

been filed for quashing the order dated 08.09.2015 passed in

connection with Bakhtiyarpur P.S. Case No. 163 of 2014 by the

learned A.C.J.M., Barh, whereby and whereunder the learned

A.C.J.M. has taken the cognizance of the offences under

Sections 419, 420, 406, 409, 120B read with Section 34 of the

Indian Penal Code (in short ‘IPC’) from which being aggrieved,

the petitioner has filed this petition.

3. Mr. Navin Kumar, learned counsel appearing for

the petitioner submits that the instant matter relates to the

creation of a wrong *Jamabandi* in respect of a land belonging to



District Board in the name of some private persons namely, Sudama Devi, Triveni Tiwary and Chandrika Prasad etc. in the year 1968-69 and also issuance of the rent receipts in respect of the said land in favour of the said persons in whose name the *Jamabandi* was wrongly created and as per the petitioner's counsel, the alleged *Jamabandi* was admittedly created in the year 1968-69 and at that time the petitioner was not posted as Revenue Karamachari in Bakhtiyarpur Anchal as he joined his service as Revenue Karamachari on 25.10.1986, so, it is completely unbelievable that he was involved in the creation of the alleged wrong *Jamabandi* and he simply issued the rent receipts in the year 2009-10, believing the existing *Jamabandi* at that time.

4. Heard both the sides and perused the order impugned as well as other relevant materials, this court finds substance in the above mentioned grounds taken by the petitioner's counsel as admittedly, the alleged *Jamabandi* was created and made in the year 1968-69 though the same was wrongly created in the name of private persons but admittedly at that time, the petitioner was not posted at the concerned Revenue Office and in this regard, he has made statements on affidavit by filing supplementary affidavit before this court and



also at the alleged time of creation of alleged Jamabandi, he was not in service and he simply issued rent receipts in the year 2009-10 as per the above submission and it is a general practice in the Revenue Offices as to issuance of rent receipts mainly placing reliance on the *Jamabandi*, so, considering this aspect, the petitioner is not liable for the alleged criminal wrong concerned to the creation of wrong *Jamabandi* and subjecting him to trial for the alleged offences would be completely abuse of the process of the court and the learned Magistrate has passed the order impugned taking cognizance against the petitioner for the alleged offences in mechanical manner and for the above reasons the same is not sustainable in the eye of law against the petitioner, so, the order impugned is set aside and the instant petition stands allowed.

(Shailendra Singh, J)

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