

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13102 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- HARNAUT District- Nalanda

SUNIL KUMAR SON OF LATE JAGLAL CHAUDHARY RESIDENT OF
VILLAGE - RUKMINI NIWAS, SHANTI BIHAR, AMBEDKAR PATH,
RUKUNPURA, PATNA, DISTRICT - PATNA, PIN - 800014, PRESENTLY,
DIRECTOR, KHISTIZ AGROTECH PVT. LTD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAJ KISHORE SINHA SON OF LATE JAI PRAKASH NARAYAN
SINGH RESIDENT OF VILLAGE AND P.O. - NEHUSA, P.S. -
HARNAUT, DISTRICT - NALANDA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bibhuti Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 29-07-2024 1. Heard learned counsel for the petitioner, Mr. Chandra Bhushan Prasad learned A.P.P. for the State and learned counsel appearing on behalf of the opposite party no. 2.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 472 and 120(B) of the Indian Penal Code.
3. In compliance of the order dated 25.07.2024, the District Magistrate, Nalanda, the Additional District Magistrate, Biharsharif, Nalanda and the Circle Officer, Harnaut are present in the Court.
4. The District Magistrate, Nalanda submits that no order of mutation was passed by the Circle Officer rather the



Jamabandi of the land in question was changed online without any application which is a criminal act. It is further submitted that the application filed on behalf of the opposite party no. 2 seeking cancellation of *Jamabandi* which is pending in the court of Additional District Magistrate shall be allowed as *Jamabandi* was created online without any application, as such, the new *Jamabandi* would be deleted.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner has no objection if the cancellation application filed on behalf of the opposite party no. 2 is allowed as he never filed any application seeking mutation of the land in question which has been leased to him by the father of the opposite party no. 2 for which he is paying rent continuously.

6. Learned counsel appearing on behalf of the opposite party no. 2 submits that no doubt *Jamabandi* was created in absence of any application filed on behalf of the petitioner but then petitioner has tried to obtain LPC of the land in question which amply demonstrates that petitioner in connivance with the authorities tried to usurp the property of the opposite party no. 2 on which learned counsel appearing on behalf of the petitioner asserts and submits that he never filed



any application seeking LPC of the land in question nor his signature is there on the application.

7. In view of the submissions made by the learned counsel appearing on behalf of the petitioner that he never filed any application seeking mutation of the land in question nor he applied for LPC, as such, let the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Harnaut P.S. Case No. 374 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. The personal appearance of the District Magistrate, Nalanda, the Additional District Magistrate, Biharsharif, Nalanda and the Circle Officer, Harnaut is dispensed with.

(Satyavrat Verma, J)

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