

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27669 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- TEGHRHA District- Begusarai

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KAMESHWAR TIWARI S/O BHUNESHWAR TIWARI R/O VILLAGE-
RAMGARH, P.S- SISWAN, DISTT.- SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Priya

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 17-05-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 467, 468,
471, 474, 420 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and has been falsely
implicated in the instant case by the informant. It is next
submitted that instant FIR has been instituted with an allegation
that Prayag Das, Kaju Das and others sold a piece of land in
favour of Bhagwanti Devi vide Deed No. 1888 dated
19.06.2020 and the land, which was sold in favour of Bhagwanti
Devi, was a government land, as such, the sale caused loss to
the government.

4. The learned counsel for the petitioner next submits
that petitioner is a named accused in the FIR. It is further



submitted that the allegation against him is that being Upper Division Clerk in the office of Sub-Registrar, Katihar, he was instrumental in getting the government land registered in faovur of Bhagwanti Devi for consideration.

5. The learned counsel next draws the attention of the Court to Annexure-2 Page-32 of the anticipatory bail application to submit that the Sub-Registrar, Teghra has written a letter addressed to the A.D.M., Begusarai vide his Letter No. 10 dated 05.01.2024 with a prayer that the name of the petitioner be deleted from the array of accused on the ground that the land in question which was sold to Bhagwanti Devi was not a government land.

6. The learned counsel next submits that petitioner, being a government servant, is aware of his responsibilities and the consequences which would entail in the event if he indulges in such activities.

7. The learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner may tamper with the evidences, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation.

8. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Teghra P.S. Case No. 350 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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