

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44909 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- JANDAHA District- Vaishali

Priyaranjan Kumar Son Of Shambhu Kumar @ Shambhu Paswan Village-
Pokhariya, Ward No. 8, P.S.- Town, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate
Mr. Akash Ranjan, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Jandaha P.S. Case No. 103 of 2024 dated 12.04.2024 instituted
for the offence punishable under Section 384 & 385 the Indian
Penal Code.

3. As per allegation in the FIR, the informant has
alleged that on 09-04-2024, he came to know from the news
published in ‘*Danik Bhaskar*’ and viral video that petitioner,
who is Revenue Clerk of Laxmanpur *Panchayat*, after taking
money from Wakil Kumar Singh, dismissed the Mutation Case
No. 6350/2023-24 illegally. It is further alleged that
Mutation case has not been rejected,



rather it is pending for objection. Accordingly, informant submitted written complaint to S.H.O. Jandaha to enquire into the aforesaid published news and viral video and take proper legal action against the petitioner leading to filing of the present FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted petitioner is a Revenue Karmchari of *Laxmanpur Panchayat*, Jandaha, Vaishali. It is next submitted that one Anita Devi W/o Upendra Singh, R/o village Jalalpur filed an online application for mutating her name over Khata No. 209, Plot No. 874, area 27.5 decimals and on her online application, Mutation Case No. 6350 of 2023-24 was instituted by the Circle Officer, Jandaha. It is submitted that in the said Mutation case, an objection application was filed by one Sri Navin Kumar Nayan. Thereafter, Circle Officer, Jandaha, called for a report from the Revenue Karamchari (petitioner) and petitioner submitted his report stating that objector Sri Navin Kumar Nayan has filed one case bearing Case No. 262 and 268 of 2021-22 before the learned D.C.L.R., Mahua and also filed a Title Suit bearing Title Suit No. 194 of 2024, which is pending for adjudication in the Court of learned Sub Judge 1st Vaishali at



Hajipur and in that view of the matter, it is not proper to pass order in Mutation Case No. 6350 of 2023-2024. It is also submitted that objection has not been raised by the descendant of the *raiyat* and, accordingly, recommended that till decision of the competent Court of civil jurisdiction, the matter may be rejected. Thereafter, on the basis of the said report of the petitioner, the Circle Officer, Jandaha, *vide* order dated 08.04.2024, has simply rejected the Mutation case. Learned counsel further submits that petitioner has rightly exercised his legal obligation as per the Bihar Land Mutation Act, 2011 (hereinafter referred to as 'the Act'). He next pointed out that Section 6(12) of the Act clearly lays down that Mutation of a holding or a part thereof shall not be allowed in cases in which Title Suit with regard to that holding or a part thereof is pending in the competent court. It is apparent from the report of the Revenue Karmchari (petitioner) that the objector Navin Kumar Nayan clearly stated that a Title Suit bearing Title Suit No. 194 of 2024 is pending for adjudication in the court of learned Sub Judge 1st Vaishali at Hajipur. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon, furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Vaishali at Hajipur, Begusarai in Jandaha P.S. Case No. 103 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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