

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52917 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- JAMALPUR District- Darbhanga

Mauje Mukhiya SON OF Mugalal Mukhiya RESIDENT OF VILLAGE -
BAURAM, PS- JAMALPUR (OP BARGAON), DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-09-2024 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Jamalpur (Bargaon O.P.) P.S. Case No.04 of 2023 under Sections 406, 409, 420, 467, 468 and 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 14 named accused persons including the petitioner against whom there is allegation that one member of Anushrawan Samiti has interpolated the beneficiary list due to which payment has been made to different persons and it is due to this reason, F.I.R. has been lodged by the Circle Officer.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that name of the petitioner has figured in the *fardbeyan* at Serial



No.12 as the then member of Ward No.2, Panchayat Gaura Bauram.

5. Learned Counsel further submits that it is true that report has been prepared by the member of said samiti, and thereafter, this report was deposited in the Office of Circle Officer who is informant in this case and the said Circle Officer has produced this report before the District Magistrate, where inspection has been made and found that interpolation has been made in the list.

6. Learned Counsel has taken defence that once the Samiti has deposited hard copy of the list before the Circle Officer then in any manner, interpolation shall always made in level of the Circle Officer only. He further submits that not only petitioner but also all the accused persons are innocent, when District Magistrate has enquired into the matter, then with a view to save his skin, the Circle Officer has lodged F.I.R. immediately in this case.

7. Learned Counsel further submits that different accused persons have moved before this Hon'ble Court for Anticipatory Bail and vide Annexure-P series, 5 accused persons have been granted anticipatory bail. He further submits that case diary has been called for. Upon perusal of the case diary,



particularly paragraph 74, it has come that the said list prepared by the Samiti, has been deposited at the Officer of Circle Officer and it was in possession of the relevant *Rajaswa Karamchhari*. It has also been alleged that interpolation has been made by the whitener by removing the name and other names have been inserted.

8. Learned APP for the State opposes the prayer for bail.

9. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Biraul, Darbhanga in connection with Jamalpur (Bargaon O.P.) P.S. Case No.04 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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