

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61399 of 2025

Arising Out of PS. Case No.-1684 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Shambhu Sharan Rai S/o- Ramkripal Roy Resident of village- Ambedkar
Choak, P.S.- Kotwali, Topkhanna Bajar, District- Munger, Bihar-811201

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramekbal Choudhary S/o- Late Mohan Choudhary R/o- Tilakpur w.No-14,
Ps- Sultanganj Dist- Bhagalpur P/A- 614/4 W.No-7, Vasumatinagar Ps-
Godda Dist- Godda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Sinha
For the Opposite Party/s : Ms.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-09-2025 Heard the parties

2. The petitioner apprehends his arrest in connection with Complaint Case No. 1684 of 2022, registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120B, 166, 167/34 of the Indian Penal Code.

3. The accusation against the petitioner is of passing an order for mutation in favour of accused No. 1, while discharging his duty as a Circle Officer, based upon forged and fabricated sale deed.

4. Learned Advocate for the petitioner submitted that admittedly the petitioner had been discharging his official duty as a Circle Officer of Sultanganj Circle and there was no reason



or occasion to verify the genuineness of the sale deed as had been produced by the co-accused persons. Learned Advocate further submits that since the petitioner had passed the order of mutation while discharging the official duty, at least sanction was required under Section 197 of the Cr.P.C. but the same has also not been obtained before institution of the complaint and/or taking cognizance and issuing summons against him. There is no other materials suggesting the complicity of the petitioner that the mutation has been done in collusion with other accused persons; moreover the petitioner is a retired government servant and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that two criminal antecedent of the petitioner clearly shows his complicity in such kind of crime.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the fact that the mutation has been done while discharging public duty and now the petitioner has superannuated and he undertakes that he will fully cooperate in the proceeding, let the petitioner abovenamed be released on bail, in the event of his



arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Bhagalpur in connection with Complaint Case No. 1684 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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