

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70345 of 2025

Arising Out of PS. Case No.-282 Year-2023 Thana- IMAMGANJ District- Gaya

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Kumar Nath Upadhyay @ Sridhar Upadhaya S/o- Late Rajendra Upadhyay
R/v- Raj Kumar Nagar Dandibag P.S. Vishnupad District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar , Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under sections 419, 420,467, 468 ,
471 and 120 (B) of IPC .

3 . As per the prosecution case , informant namely,
Nafisa Khatoon alleged that this petitioner who was Revenue
clerk, at the relevant time in collusion with other co-accused
persons declared the informant dead and projected oneBunni
Begum as her daughter and mutated the land of the informant,
in her name .

4. Learned counsel for the petitioner submitted that
land in question was sold vide registered sale deed dated
11.02.2013 by Bunni Begum in favor of one Sahguffa Yasmin



and Sahista Sahin for a consideration amount of Rs. 6,14,000/-.

At the relevant time , petitioner was Revenue clerk and he only submitted a report, pursuant to the order of the Circle Officer, Imamganj vide order dated 22.06.2016 and the same was directed for mutation by the Circle Officer, Imamganj i. e., Annexure – P/2 to the bail petition. The report of this petitioner was based on the oral evidence of husband of the informant and their family members. It is further submitted that against the order of Circle Officer, Imamganj dated 22.06.2016, passed in M. Case No. 372 of 2016, informant filed an appeal bearing M. Appeal No. 08 of 2016-17, before the Court of Land Reforms Deputy collector, Shergahti Gaya, the learned D.C.L.R., Sherghati, in his order dated 18.10.2016 allowed the appeal and set aside the order of Circle Officer, Imamganj i. e., Annexure – P/3 to the bail petition . Title suit No. 49 of 2017 is also pending between the parties in which informant is defendant No. 1 . cause of action arose in the year 2016 but the present F.I.R. has been lodged in the year 2023, after the delay of 7 years which itself makes the entire prosecution doubtful against this petitioner. Petitioner being a government official was simply discharging his duty and has falsely been made accused in this case with ulterior motive . Petitioner claims clean antecedent.



5 . Learned counsel for the State opposed the bail petition .

6 Considering the nature of dispute , clean antecedent of the petitioner and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM -1st Class, Sherghati Gaya in connection with Imamganj P.S. Case No. 282 of 2023 , subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita , 2023 .

(Prabhat Kumar Singh, J)

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