

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76999 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- MOTIPUR District- Muzaffarpur

1. Santosh Kumar Thakur Son of Late Rampukar Thakur Resident of Village -Manpura, P.S.- Baruraj, District -Muzaffarpur.
2. Ashok Kumar Thakur son of Late Ram Pukar Thakur Resident of Village -Manpura, P.S.- Baruraj, District -Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.
For the Opposite Party/s : Md. Fahimuddin, APP
For the Informant : Mr. Aditya Dev, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Motipur P.S. Case No. 140 of 2024 registered for the offences punishable under Sections 420, 467, 468 and 471/34 of the Indian Penal Code.

3. From the FIR, it transpired that these petitioners in collusion with revenue official(s) got mutated the land of Khata No. 127, Kesra No.569/570 (new Khesra No. 2224), area 11 decimal in their name as well as the in name of fake person(s).

4. Learned counsel for the petitioners contended that the allegation, even if taken to its face value, it is predominantly civil in nature and no criminal case is made out against the



petitioners. There is a dispute between the parties giving rise to Partition Suit No. 655 of 2022 against the informant's side. It is specifically contended that there was a clerical mistake on the part of the revenue official(s) while mutating the land in question; later on, the same has been rectified by the Circle Officer, Motipur vide Memo No. 1757 dated 19.06.2024, the copy of which is also placed on record as Annexure P/2. The allegation levelled in the FIR is only based upon apprehension of collusion and manipulation of record and thus nothing else and no case is made out. Moreover, the petitioners bear fair antecedent.

5. On the other hand, while opposing the bail application, learned counsel for the State and the informant have submitted that if the action of the petitioners and the mistake was a *bona fide* and the mistake has already been rectified, the informant has preferred a mutation appeal, which is pending before the D.C.L.R., West Muzaffapur, it is expected that the petitioners shall cooperate in the matter.

6. Having regard to the submissions advanced on behalf of the parties and considering the nature of allegation and the fact that the rectification has already been done, apart from the fair antecedent of the petitioners, let the above named



petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, West Muzaffapur in connection with Motipur P.S. Case No. 140 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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