

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88795 of 2024**

Arising Out of PS. Case No.-673 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

Md. Gulam Sarwar S/o Late Md. Islam @ Mohammad Islam R/o vill - Moh
Baram, P.S. - Guraru, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.V.Giri, Sr.Advocate
	:	Mr.Devashish Giri, Advocate
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr. Rajesh Ranjan, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 09-07-2025 Heard Mr.Y.V.Giri, learned senior counsel for the

petitioner, Mr. Rajesh Ranjan, learned counsel for the informant
and Mr.Md. Fahimuddin, learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in
connection with Gopalganj Town P.S.Case No.673 of 2024, FIR
dated 18.09.2024 registered for the offences punishable under
Sections 318(2),316(5),338,336(3),340(2)/3(5) of BNS.

3. As per the F.I.R., the prosecution case is that in the
light of the news published in Daily News Paper Prabhat Khabar
dated 10.09.2024 titled "investigation of Jamabandi of Rajendra
Bus stand" located at Nagar Parishad, Gopalganj, SDM,
Gopalganj reached the Zonal Office, Gopalganj and investigated



the relevant Jamabandi and documents and the online Jamabandi created in this sequence. After that it was reported by SDM, Gopalganj that the C.O., Gopalganj, Revenue Officer, Halka Karmchari have been found involved in the fraudulent creation of Jamabandi No. 792 of land of Bus Stand/Nagar Parishad vide Khata No. 57, 65, 178, 179, area 1-14-9 Dhur in the name of Ajay Dubey. Hence, the FIR.

4. Learned senior counsel for the petitioner submits that the petitioner has clean antecedent and he is holding the post of Circle Officer, Gopalganj and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the whole controversy at the direction and influence of the land mafias and local influential people in order to save their skins/ neck. In fact the petitioner has joined the post in question(Circle Officer, Gopalganj) on 20.02.2024 and the digital scanning of the Register-II was completed in the Circle, Gopalganj in November, 2023 and as such the Jamabandi no.- 792 was uploaded in or before the end of November, 2023 on the website of Bhu-Abhilekh & Parimap Directorate, Bihar which shows that the online Jamabandi is in the name of Chote Lal Chaudhary.



5. Learned senior counsel for the petitioner submits that one Ajay Dubey wrote a letter dated 06.12.2023 to the Executive Officer, Nagar Parishad, Gopalganj informing him that the land falling under Thana No. 76, Khata No. 57, 65 & 178, khesra No. 161, 162, 157 was acquired by him through sale deed on which illegal encroachments have been made by putting Gumti (shop) and Palani (Hut) and requested him enquire into the matter and for removal of the encroachments made in the form of Gumti (Shop) and Palani (Hut) on his land. Learned senior counsel for the petitioner submits that on a complain of one Ajay Dubey, Executive Officer, Nagar Parishad, Gopalganj has informed the Circle Officer vide letter dated 29.01.2024 wherein it was mentioned that said Ajay Dubey supplied the documents of the land situated in Ward No-22, Rajendra Bus Stand on which illegal encroachments have been made by the people who have put their Gumti (Shop) on the aforesaid land, and requested the Circle Office to provide a report regarding the present ownership of the related Khata, Khesra and Rakba. Learned senior counsel for the petitioner submits that the then Circle Officer, Gopalganj upon receiving the aforesaid letter forwarded the same to Revenue Karamchari, Nagar Parishad for necessary actions. Learned senior counsel for the petitioner



submits that thereafter the petitioner had joined the post in question on 20.02.2024 and as per letter of the Executive Officer suggests that Jamabandi No.792 on the Ajay Dubey was already created much prior to 20.02.2024 on which date the petitioner took the charge of the post of the Circle Officer, Gopalganj but again the Executive Officer, Nagar Parishad, Gopalganj had written letter to the Circle Officer, Gopalganj about illegal encroachment made by the local people on the land of Ajay Dubey and requested to Circle Officer to provide a report regarding the present ownership of the aforesaid Khata Khesra and Rakba. The petitioner after receiving the aforesaid letter dated 11.07.2024, directed Dinesh Chandra Mishra, Revenue Karamchari, Nagar Parishad, Gopalganj to submit a report regarding the aforesaid land in question. The said Dinesh Chandra Mishra, Revenue Karamchari, Nagar Parishad, Gopalganj submitted his report on 16.07.2024. The report of the Revenue Karamchari, Nagar Parishad , Gopalganj suggests that the Jamabandi has been created on the basis of Jamabandi Mutation Case No.- 360/1980-81 by reducing it from the old Jamabandi no.- 192 and 195. Further, as per the report, on a spot verification of the aforesaid land it was found that on some portion of the aforesaid land some persons have made illegal



encroachment by putting Palani (hut) and Gumti (shop) and on measurement by Anchal Amin it will become clear that who are the persons by whom illegal encroachments have been made. Learned senior counsel for the petitioner submits that Dinesh Chandra Mishra, Revenue Karamchari, Nagar Parishad, Gopalganj had made a spot verification of the aforesaid land did not state/disclose the aforesaid report that the aforesaid land is of Rajendra Bus Stand and it belongs to Nagar Parishad, Gopalganj or is in the possession of Nagar Parishad, Gopalganj mand on the basis of the report of Revenue Karamchari, the petitioner submitted the report vide letter No.2488 dated 06.08.2024 to the Executive Officer, Nagar Parishad, Gopalganj regarding the present ownership details of the aforesaid land and the name of the persons who have made illegal encroachments on the aforesaid land and the petitioner being the Circle Officer, Gopalganj relied upon the report submitted by the Revenue Karamchari, and the measurement report of the Anchal Amin, an online application no.- 24153158146132 was filed by Ajay Dubey and the petitioner forwarded it to the Karamchari on 24.08.2024. On 27.08.2024, the Karamchari (Dinesh Chandra Mishra) (co-accused) submitted his report to the Revenue Officer in which he recommended for uploading the jambandi



on the basis of Register-II. The petitioner on 02.09.2024 allowed the application of Ajay Dubey on the basis of the recommendation of the Karamchari and Circle Inspector. Learned senior counsel for the petitioner submits that from perusal of the aforesaid, it appears that the petitioner has no role at all in the present case and he has acted upon on the basis of the report furnished by the Revenue Karamchari and Revenue Officer and petitioner has no role at all in the present occurrence. Learned senior counsel for the petitioner submits that the petitioner came to know about the aforesaid fact that he has wrongly recommended the land in question then and there he has sent a report to the A.D.M., Gopalganj for cancellation of Jamabandi in question vide his letter dated 13.09.2024.

6. Learned counsel for the Nagar Parishad as well as the learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that pursuant to the direction of this Court dated 28.02.2025 directed the learned APP for the State to seek a report from the A.D.M., Gopalganj with respect to cancellation of Jamabandi in question as proposed by the Circle Officer, Gopalganj vide letter No.3065 dated 13.09.2024. Vide letter dated 21.03.2024, the A.D.M. submits a report that the



petitioner is also responsible in the present case, the petitioner is required to verify the same about the land in question, the land in question is land of Bus Stand belong to Nagar Parishad, the petitioner has also issued direction for receiving the rent for the year 1986-1987 to 2024-2025 (about 40 years in one stroke).

7. Considering the aforesaid fact, the petitioner is the Government Official and he was mutated the land in question (Zila Parishad) in name of co-accused person without verifying the correct thing and also issued direction for receiving the rent for the land in question about 40 years, in view of the aforesaid, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Gopalganj Town P.S.Case No.673 of 2024 pending in the court of learned C.J.M.,Gopalganj.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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