

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.86410 of 2024

Arising Out of PS. Case No.-371 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

Ram Snehi Sah S/o Ram Cahndra Sah R/o Village- Ranipatti, P.S.- Harlakhi,
District- Madhubani, At present posted as Revenue Clerk Sadar Anchal, Bihar
Sharif, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vivek Kumar Tiwari Son of Late Lalo Tiwari Resident of Village Puri, P.S.
Giriyak, Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra
For the State : Mr.Syed Mojibur Rahman
For Opposite Party No. 2: Mr. Jai Shankar Pathak

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 308-05-2025
1. Heard learned Counsel for the petitioner, learned Counsel
for the informant-Opposite Party No. 2 and learned
Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out
of Laheri Police Station Case No. 371 of 2024, dated
03.08.2024, disclosing offences punishable under
Sections 417/418/420/467/468/34 of the Indian Penal
Code.
 3. The allegation, as per the First Information Report, is that
the petitioner, being the Karamchari, in connivance with
other co-accused persons, got the land of the informant



mutated in the name of co-accused Anis Tiwary.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and co-accused Anis Tiwary had online made an application for mutation of the land in question in his name to the extent of 59 decimals, which was gifted in favour of co-accused Anis Tiwary by the informant by way of registered gift deed. On the basis of online application and the registered gift deed, Mutation Case No. 7012 of 2022-23 was initiated and the online application was forwarded to the Circle Officer. The petitioner submitted the report that the land in question is not gair mazaru aam land and co-accused Rajeev Ranjan @ Anis Tiwary is in possession of the land in question and subsequently thereafter, the Circle Officer issued general and specific notices, but no one appeared before the Circle Officer to file objection and accordingly the land in question has been mutated in the name of co-accused Anis Tiwary. He further submits that a committee was formed by the Additional Collector to enquire into the allegation made by the informant and the report of the Additional Collector is at Annexure P/7, dated



02.07.2024, in which it has been mentioned that the mutation was done on the basis of the report of the Karamchari and there is no mechanism or tools to find out the genuineness of the documents furnished by the applicant seeking mutation of land. Referring to Annexure P/2, learned Counsel submits that the action taken in Mutation Case No. 7012 of 2022-23 on 16.02.2023 would show that the petitioner has given the report that the applicant has got the land in question on the basis of gift deed and the jamabandi is standing in the name of the donor. Accordingly, the petitioner recommended for mutation of the land in question in favour of co-accused Anis Tiwary. He further submits that on an appeal filed by the informant, the mutation done in favour of co-accused Anis Tiwary has been cancelled and the name of the informant was again mutated by the Circle Officer.

5. On the other hand, learned Counsel for the informant- Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that the petitioner did not verify the genuineness of the documents furnished by the co-accused Anis Tiwary along with the online application for mutation of the land in question and has also not



compared the signature of the District Sub-Registrar on each page of the gift deed. He further submits that the possession report has wrongly been submitted by the Karamchari before the Circle Officer.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that co-accused Anis Tiwary submitted a gift deed in support of his claim for mutation of the land in question and as per the report of the Additional Collector, there is no mechanism or tools to get the genuineness of the documents verified by the Karamchari and further in appeal, now, the mutation has been redone in favour of the informant, I am inclined to grant the petitioner privilege of anticipatory bail, subject to the condition that the petitioner shall not submit the possession report without proper verification of the land in future.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Nalanda, at Biharsharif, in connection with Laheri Police Station Case No. 371 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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