

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90025 of 2024

Arising Out of PS. Case No.-413 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Sohail Ahmed @ Md. Sohail @ Sohail S/o Late Abdul Wahab R/o Village-
Sikandarpur, P.S- G.B Nagar,, District- Siwan
 2. Abdul Fatah S/o Late Abdul Wahab R/o Village- Sikandarpur, P.S- G.B
Nagar,, District- Siwan
 3. Abdul Samad S/o Late Abdul Wahab R/o Village- Sikandarpur, P.S- G.B
Nagar,, District- Siwan
 4. Khurshid S/o Late Abdul Wahab R/o Village- Sikandarpur, P.S- G.B Nagar,,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Md. Shadab Alam Wazdi, Advocate
For the Opposite Party/s	:	Mrs. Dr. Indihar Kumari, APP
For the Informant	:	Md. Reyaj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

12 13-02-2026 Heard Mr. Rajendra Narain, learned senior counsel
appearing for the petitioners, Md. Reyaj learned counsel for the
informant and Mrs. Dr. Indihar Kumari, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with G.B. Nagar P.S. Case No. 413 of 2024, FIR
dated 06.08.2024 registered for the offence punishable under
Sections 318(4), 337, 338, 336(3) and 3(5) of the BNS, 2013.

3. As per FIR, informant is a co-sharer in joint



ancestral properties pertaining to Tauzi Nos. 3988, 3989, 3890, 3991 and 1466 situated at Village–Sikandarpur, District–Siwan. The said properties were transferred in 1926 by Late Qazi Mohammad Yunus to Late Nawab Hasan through a registered deed of Bay-e-Laklima. The names of the legal heirs, including Late Mohiuddin Ahmed and Late Moinuddin Ahmed, were duly recorded in Government Registers A, D and Register-2, and joint rent receipts were issued, clearly establishing the joint and undivided nature of the property. However, Abdul Fatah, Khurshid, Abdul Samad and Sohail, by hatching a criminal conspiracy, dishonestly tampered with Register-2 by erasing the names of other co-sharers from the “Name Column” and fraudulently secured online mutation entries exclusively in the name of their father. The tampering, discovered upon inspection on 31.07.2004 in the presence of the Circle Officer, Barharia.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. It appears from the F.I.R., that the present matter is civil dispute between the parties and the informant is trying to convert the same into criminal nature. As per FIR, the



petitioners have tampered with Register-2. It is pertinent to mention that the local *karmchhari* is the custodian of Register-2.

5. As per direction of this Court dated 09.10.2025, the Circle Officer, Barharia, has produced Register-2 along with the report dated 30.10.2025. From bare perusal of paragraph nos. 16 and 17 of the said report suggests that the senior officers of the district has directed the Circle Officer, Barharia to rectify the record (Register-2). The enquiry with regard to tampering in Register-2 has been initiated in the light of Memo No. 11460 dated 10.08.2024 issued by the then District Magistrate, Siwan. During enquiry, it has been found that the tampering and manipulation has been done in the Jamabandi Nos. 59, 83, 84, 85, 87 and 91 respectively. The Jamabandi register-sheet has been scanned in the year 2023 and it is evident that the tampering has been done prior to 2023. The sole purpose to take undue benefit and to grab the joint family property.

6. Learned DCLR, Siwan vide letter no. 374 dated 07.05.2025 has recommended for correction/rectification in the name column in the Jamabandi and accordingly the learned ADM (Revenue), Siwan vide letter no. 289 dated 09.06.2025 has directed the Circle Officer, Barharia to take further action in the light of department instruction and guideline. As per the



departmental guideline, correction/rectification in the name, father's name, area, khata, khesra, etc. are to be made online in the online Jamabandi. Therefore, upon online parimarjan plus application filed by the informant for Jamabandi No. 83, 84, 85, 87 and 91 decision has been taken the word 'WAGAIRAH' indicated for other co-sharers has been added and rectified in the name column in the receipt of online Jamabandi. Parimarjan application for Jamabandi no. 59 was not submitted.

7. Learned counsel for the petitioners submits that in view of the aforesaid developments, the authority has rectified the same in favour of the informant and it has come during enquiry that the staff/persons of the Circle Office, Barharia involved in the present crime in question and petitioners have no role at all in the present occurrence.

8. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that prima facie the petitioners are beneficiary from the aforesaid tampering and manipulation in the concerned Jamabandi sheet wherein the land belong to the joint family property which appears from the family genealogy also and petitioners are the beneficiary in the present matter. Apart from that, petitioners carry one more case



other than the present but police have submitted final form in favour of the petitioners in other words, the petitioners have clean antecedent.

9. Considering the aforesaid facts, enquiry report submitted by the official in the present matter as well as the rectification has been done in the records of the land in question, let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate-IV, Siwan in connection with G.B. Nagar P.S. Case No. 413 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ankit Kumar/-

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