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**Ram Narayan Ram Vs. The State of Jharkhand Through Cbi**

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**SooperKanoon Citation** : sooperkanoon.com/110495

**Court** : Jharkhand

**Decided On :** Jul-17-2017

**Appellant** : Ram Narayan Ram

**Respondent** : The State of Jharkhand Through Cbi

**Judgement** :

IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 3180 of 2015 Ram Narayan Ram .. Petitioner Versus The State of Jharkhand through CBI .. Opp. Party --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Petitioner : Mr. Vishnu Kumar Sharma, Advocate. For the CBI : Mr. K.P. Deo, S.C. --------- Reserved on:

12. 07/2017 Pronounced on:

17. 07/2017 Petitioner is apprehending his arrest in connection with R.C. 16(A) / 2012-D, registered under Sections 120B, 201, 109, 423, 424, 467, 468, 469, 471, 477-A, 419, 420, 409, 506 of the I.P.C. and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, Section 25A of Santhal Pargana Regulation II and Section 53 of the Santhal Pargana Tenancy Act, pending in the court of learned Additional Sessions Judge-1-cum-Spl. Judge, CBI, Dhanbad. Heard learned counsel for the petitioner and learned counsel for the CBI. The case of prosecution in short is that Superintendent of Police, CBI, ACB, Dhanbad lodged this case on the basis of one complaint dated 31.10.2011 of Sri Raj Kumar Lakra, I/c S.P. Vigilance Bureau, Ranchi, Jharkhand, vide F.I.R. No. 26/2011, registered under

the aforesaid sections, but the State of Jharkhand vide notification dated 26.11.2011 under Section 6 of the Delhi Special Police Establishment Act, 1946, requested the Government of India to take investigation of the case. Hence, this case. It is alleged that petitioner while working as Sub- Divisional Officer, Deoghar during the November, 2008 to August, 2011, has received information regarding encroachment over Ahra (Pond) plots in Baijnathpur mauza by Dhrub Narayan Parihast and his father Deb Narayan Parihast, but he dishonestly closed the matter without ascertaining the true facts with regard to nature and ownership of land in question. The said plots are mentioned in the fake sale certificate no. 13 of 1937 in which Deb Narayan Parihast has been shown as auction purchaser. The CBI, after investigation, has submitted final form and learned Special Judge has taken cognizance on 24.02.2015 under Sections 120B read with Sections 201, 423, -2- 424, 420, 467, 468, 471 of the I.P.C. and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, against the petitioner. Thereafter, the petitioner moved in Cr.M.P. No. 779 of 2015 before this court, in which this Court under order dated 11.12.2015 has directed the CBI to file counter affidavit and further directed to list the case on 22.01.2016. While the matter was pending, petitioner has invoked the jurisdiction under Section 438 of the Cr.P.C. and filed anticipatory bail application on 20.08.2015 and this Court under order dated 22.02.2016 directed the office to place the matter after disposal of the quashing application i.e. Cr.M.P. No. 779 of 2015. Further, in the meanwhile, I.A. No. 3260 of 2017 was filed in instant A.B.A. No. 3180 of 2015 on 17.04.2017 with a prayer that order dated 22.02.2016 passed in the instant case be recalled and anticipatory bail application be heard. The matter was listed on 20.04.2017 and CBI was directed to take instruction and the matter was directed to be listed on 28.04.2017. Further, on 28.04.2017, learned counsel for the CBI sought time to take instruction in the matter and the I.A. No. 3260 was disposed of and thereafter the case was listed on 16.06.2017 and thereafter today. So, the anticipatory bail application is being heard on merits. Learned counsel for the petitioner while pressing the bail application filed on behalf of the petitioner has submitted that from perusal of F.I.R., no offence is made out and further the attempt of alleged fraudulent transfer / sale of non- transferable government land is of the period 2009-11 in respect of 25 numbers of sale certificates for the period 1936 to 1938,

whereas the petitioner was working as Sub- Divisional Officer, Deoghar from November, 2008 to August, 2011 and on 05.05.2010, he was S.D.O., Deoghar and on getting the information that someone is making encroachment on Batisi Bandh in Baijnathpur mauza, he went there to maintain the law and order, which was purely an administrative visit and when petitioner came to know from the villagers that one Dhrub Narayan Parishat is making encroachment on Batisi Bandh, he asked for explanation from -3- Dhurb Narayan Parihast, whereupon Dhurb Narayan Parihast submitted his explanation along with copy of Mortgage Execution Case No. 195 of 1935, wherein it has been mentioned that plot nos. 48 to 57, total area 20.31 acres belonged to Lalu Mirdha as Basauri Raiyat, which was purchased by Deb Narayan Parihast in an auction and also he has got his name mutated in the Circle Office. Thereafter, petitioner has called for verification report from the office of the District Sub Registrar Dumka of the documents submitted by Dhurb Narayan Parihast. The District Sub Registrar, Dumka informed vide letter no. 248 dated 25.05.2010 that the same was issued from his office and is genuine. So, he closed the matter. Learned counsel for the petitioner further submitted that the petitioner has been made accused simply on the basis that he was the Sub Divisional Officer and petitioner has no authority to challenge any registered document and only Additional Collector and Land Reform Deputy Collector after making enquiry can suggest the District Magistrate for cancellation of such documents or to initiate a legal recourse for it. So, petitioner deserves the privilege of anticipatory bail. Learned counsel for the CBI has opposed the prayer for anticipatory bail of the petitioner and further referred to the fact that during course of investigation, it has been revealed that one Kamleshwari Prasad Singh, the then record keeper, District Record Room, Deoghar, one Sunil Poddar, private person, Siddharth Shankar Chaudhar, the then In-Charge Circle Officer, Mohanpur, Deoghar, Rup Lal Manjhi, the then District Sub-Registrar, Deoghar, Sri Bhogendra Thakur, the then Incharge District Sub-Registrar, Deohar, Ram Kumar Madhesia, the then District Sub-Registrar, Deoghar, Ram Narayan Ram, the then SDO, Deoghar (petitioner), Birendra Kumar Rai, the then Circle Officer, Deoghar, Lalan Kumar Mehra, the then Circle Inspector, Mohanpur Circle, Deoghar, Bishnu Prasad Rai, the then Halka Karamchari Mohanpur Circle, Deoghar, Dinesh Kumar Mishra, the then Halka Karamchari, Mohanpur Circle, Deoghar, Madhusudan Jha,

the then Halka Karamchari, Mohanpur Circle, Deoghar, Dhrub Narayan Parihast, Maheshwari Devi, Deb Narayan Parihast and other persons entered into conspiracy amongst -4- themselves to make fake, false and made fake entry in the land records and recommended and furnished false Bhu Satyapan Reports for transfer / sale of non-transferable Government land for facilitating co-accused persons causing loss of Rs. 6,08,68,000/- involving 26.056 acres of land and made the land transferable and petitioner had helped Deo Narayan Parihast to make the land transferable and deliberately omitted his duty. Petitioner's claim that Deo Narayan Parihast had purchased total 28.30 acres of Basuri land from Lalan Kumar, has been admittedly on the basis of documents found to be false and forged subsequently, causing loss to the government revenue. In view of the nature of allegation and petitioner being a public servant omitted to discharge his official functions, I am not inclined to admit the petitioner on anticipatory bail. Accordingly, the anticipatory bail application of the petitioner is rejected. (Anant Bijay Singh, J.) Sunil/

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