

Arising Out of PS.Case No. -34 Year- 2013 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

.... Petitioner/s

1. The State of Bihar Through Vigilance, Patna

.... Opposite Party/s

For the Opposite Party/s : Mr. Rama Kant Sharma(L.O,I/C Vigi)

8 24-08-2015

Heard learned counsel for the petitioner and

learned counsel for the EOU. The petitioner is apprehending his arrest in a case registered under sections 7, 8, 9, 10, 13(1)(d) of the Prevention of Corruption Act 1988.

Learned counsel for the petitioner submits that petitioner has been roped in the present case only on the basis of conjecture and surmises as the sister of the petitioner has been functioning as the Land Acquisition Officer in the area where the petitioner's lands are also situated. Learned counsel for the petitioner further submits that whatever he has received compensation, that were of ancestral land part of which were acquired and others were ancestral land. He further submits that the father of the petitioner had purchased more than 15 acres of



land in the year 1954-55 from the father of the present vendor of the land in question. These lands include the land of the vendor and is required by the State Government for the purpose of Technical Industrial Development. The allegation is that after the land was notified for being taken over and acquired by the Government the petitioner, his sister and other family member purchased the land on low price from the farmer stating the land to be the land of "Dofasali" land and subsequently placed them for acquisition by stating that they are residential land.

Learned counsel for the EOU while contesting the matter has stated that the petitioner was in league with the Land Acquisition Officer at the relevant point of time and has obtained undue advantage and has taken compensation at the higher rate than the said land deserved.

However, learned counsel for the petitioner submits that apart from the land which was handed over for acquisition, the lands proposed to be acquired were also ancestral land belonging to the petitioner and, therefore, the said contention of the EOU cannot be sustained. A perusal of the first information report and other document do not indicate the exact plot number which were acquired nor there is mentioned in the first information report regarding the plot for which the petitioner has

obtained higher compensation. Considering all allegations made against the petitioner are vague and are not specific and also the fact that the petitioner was also holding the lands which were belonging to his ancestors since long time and they also were acquired by the State Government, the stand of the EOU can well be placed under a cloud.

In view of the aforesaid facts and circumstances this court feels that the petitioner is entitled to a protection. Let the above named petitioner in the event of his arrest or surrender within a period of three weeks from the date of receipt/production of a copy of this order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Special Judge, Vigilance-II, Patna in Economic Offence P.S. Case No. 34 of 2013, subject to the conditions laid down under section 438(2) Cr.P.C.

(Anjana Mishra, J)

M.Rahman/-

U		T	
---	--	---	--