

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20407 of 2016

Arising Out of PS.Case No. -256 Year- 2014 Thana -AURAI District- MUZAFFARPUR

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1. Awinash Kumar @ Awanish Kumar Son of late Kishori Kant Lal
Resident of Village- Ufan (Lalpur), PS Shakatpur, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shantanu Kumar

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-05-2016

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409, 406, 420, 467, 468, 471, 120B of the Indian Penal Code.

The F.I.R is based on the written report of the Special Land Acquisition Officer, Gandak Scheme, Muzaffarpur. The accusation is based on the enquiry report which suggests that three persons Sachendra Sharma, Raghvendra Sharma and Chandamani Sharma were paid without initiating or conducting the land acquisition proceeding.

It is submitted by learned counsel for the petitioner that petitioner was working as Correspondence Clerk in the office of Special Land Acquisition Officer. The petitioner was neither authorized to initiate or participate in the land acquisition proceeding nor payment was made under the signature of the petitioner and for the same charge the

departmental proceeding has been initiated against the petitioner. It is further submitted that the cashier who was responsible for the payment without land acquisition proceeding being initiated has been granted anticipatory bail by a coordinate Bench of this Court vide Cr. Misc. No. 8360 of 2015. Similarly the Kanoongo in the office of Land Acquisition Officer has also been granted anticipatory bail vide Cr. Misc. No. 16488 of 2015.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory 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, Muzaffarpur in connection with Aurai P.S. Case No. 256 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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