

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35110 of 2016

Arising Out of PS.Case No. -320 Year- 2016 Thana -JAHANABAD District- JEHANABAD

Uma Shankar Sharma Son of Late Pradeep Sharma Residents of Village-
Murasa, P.S.- Kako District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-09-2016 Heard both sides.

The petitioner apprehends his arrest in Jehanabad P.S.
Case No. 320/2016, registered for the offences punishable under
Sections 420, 467, 468 and 471 of the Indian Penal Code.

The petitioner was head clerk in the Land Acquisition
Office of Jehanabad. The land was acquired for construction of
National Highway. Two persons namely Rajnandan Yadav and
Mithilesh Prasad filed their petitions along with L.P.C. for the
grant of compensation for acquisition of their lands. The
petitioners on the basis of Land Possession Certificate and other
documents processed the file. Both have got their compensation,
but later on, family members of Mithilesh Prasad and Rajnandan
Yadav filed petition that they are also entitled to compensation, as

the lands belong to the joint family.

Learned counsel for the petitioner submits that the petitioner did not make any illegality. Rajnandan Yadav and Mithilesh Prasad filed Land Possession Certificate along with Khatiyan and mutation orders standing in their names. Accordingly, he only processed the file. There is no latch on the part of the petitioner. The objection was also invited, but none of the family members of Mithilesh Prasad or Rajnandan Yadav appeared and accordingly compensation was granted to Mithilesh Prasad and Rajnandan Yadav by the District Land Acquisition Officer. The District Land Acquisition Officer also initiated a Certificate Case no. 2/2015-2016 for the recovery of compensation taken by Rajnandan Yadav and Mithilesh Prasad, but the same has been stayed vide order dated 23.06.2016 passed in C.W.J.C. No. 7789/2016.

Considering the facts aforesaid and the fact that the petitioner simply processed the file on the basis of the documents submitted by the land owners, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like

amount each to the satisfaction of Chief Judicial Magistrate,
Jehanabad in connection with Jehanabad P.S. Case No. 320/2016,
subject to the conditions as laid down under Section 438(2) of the
Cr. P.C.

(Prabhat Kumar Jha, J.)

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