

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55198 of 2016

Arising Out of PS.Case No. -500 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)

Ramakant Singh Son of Sri Bechan Singh Resident of Village - Sarahula,
P.S. Mohania, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kishore Pd, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State along with the learned counsel appearing for the beneficiary, namely, Lalita Devi, who has appeared voluntarily.

Petitioner is languishing in judicial custody since 11.11.2016 in connection with Bhabua P.S. Case No. 500 of 2016 registered for the offence punishable under Sections 420 and 409 of the Indian Penal Code.

The prosecution case, as lodged by the Amin of the Land Acquisition office, is that petitioner had been given compensation for his 8 decimals of land, which was acquired for widening of NH 30 highway. It has been brought to the notice of the informant that out of 8 decimals, 2 decimals belongs to one Lalita Devi and the petitioner has taken compensation of entire 8



decimals of land amounting to Rs. 40,73,088/- and in spite of reminder by the department, he has not returned the compensation of 2 decimals amounting to Rs. 4,34,138.56, hence, First Information Report has been lodged.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that no sooner it was brought to his notice that he had taken excess compensation without any willful act, he has returned the money on 16.11.2016 and a letter to this effect has been given to the District Land Acquisition Officer, Bhabua at Kaimur, Annexure-2 to this application. Total amount of Rs. 4,83,803/- has been returned back to the Govt. department, which includes interest.

However, learned counsel appearing for the beneficiary, Lalita Devi, submits that she has not yet received the money which the department on verification ought to pay.

Learned A.P.P. for the State submits that it was case of temporary embezzlement, hence, opposes the prayer for bail.

Be that as it may, since the amount alleged to have been taken by the petitioner has been returned, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Kaimur at Bhabua in connection with Bhabua P.S.
Case No. 500 of 2016.

(Nilu Agrawal, J.)

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