

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29716 of 2015

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

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Smt. Jayshree Thakur, daughter of late Ganesh Thakur and wife of Dr. Rajesh Kumar Choudhary, resident of village Manihari, Police Station Majorgarh, in the district of Sitamarhi presently under suspension from the post of Addl. District Magistrate, and residing at 404, Sundram Apartment, Tilka Manjhi in the district of Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar Through, Superintendent of Police, Economic Offence Unit, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Dwivedy Surendra
For the EOU	:	Mr. Mr. V.N. P Sinha, Sr. Advocate Ms. Soni Shrivastava.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

18 09-05-2016 Heard learned counsel for the petitioner and learned

Sr. Counsel appearing on behalf of the EOU.

The petitioner apprehends his arrest in connection with

Special Case No. 17 of 2013 arising out of Economic Offence

Unit P.S. Case No. 34 of 2013 for the offences registered under

Sections 7,8,9 and 13(1) (d) of Prevention of Corruption Act.

The allegation against petitioner is that while she was

posted as District Land Acquisition Officer at Banka, she

participated in a meeting, in which, the acquisition of certain

lands was under consideration. The said lands were proposed to

be purchased by herself. It is further alleged that land



acquisition in Mauja, Sarai was under consideration and she being District Land Acquisiton Officer, on 31.01.2013 and 12.01.2013, acquired 8.2225 acres of land from Kamal Kishor Singh, Shri Maden Kishore Singh and others in Sarai Mauza at the more enhanced rate than the actual rate prevalent at the relevant time. It was alleged that the lands, which were valued @ Rs. 39.46 lacs, were, in fact purchased in the said circle @ Rs. 4.35 lacs. Similarly, 9.9450 acres of land was purchased by petitioner's brother for Rs. 5 lacs instead of circle rate of Rs. 39.26 lacs. It was further alleged that at the time of purchasing, these lands were shown as Dofasla but the compensation thereof was taken as residential land, acquired by the petitioner.

The Circle Officer, Bausi stated that out of 8.2225 acres; 3.34 acres land is Dhanhar and 91.50 decimal land is Bheet but the compensation of these lands was also taken for residential land. Similarly, the land acquired by her brother was 9.9450 acres out of which 9.3450 acres were Bheet Land and 60 decimal was residential. The total compensation was paid Rs. 9,58,95,775/-. The further allegation against the petitioner is that in the Selection Committee, constituted for identification and selection of lands to be acquired, which was held under the chairmanship of the Collector, Banka on 05.03.2012, the



petitioner, Smt. Jayshree Thakur was also present. It was alleged that though intimation regarding land acquisition was given in the local newspaper on 28.04.2013 and 29.04.2013, on 31.01.2013 and 12.02.2013, the same lands were got transferred i.e. 8.2225 acres and 9.9450 acres in the name of herself and her brother at a cheaper rate. This was done by her as she had prior information/knowledge of the proposed land acquisition. In the sale deed also, the lands were depicted as Dofasla but she kept the sales of the land in the dark.

In a nutshell, she using her official position and by misusing her authority, manoeuvred the transaction and thus, has drawn advantage and secured compensation and ultimately she got transferred into her account 80 percent of the aforesaid amount i.e. Rs. 7,32,53,296/-. It was thus alleged that that the petitioner had indulged herself in corrupt practices and out of such practices, has amassed a huge amount by misusing her official position.

Learned counsel for the petitioner submits that whatever be the nature of allegation and the extent of advantage which may have been alleged as against the petitioner, the petitioner has now been charge sheeted by the Vigilance Court and is facing prosecution. It is further submitted that bank



accounts of the petitioner has already been attached in connection with the present case and the same has been seized till date. The petitioner has not withdrawn any amount from the account and she is ready and willing to cooperate with any investigation and having been already charge sheeted, is also willing to appear and receive the police papers, which may be made available to her in the court below.

Learned Sr. Counsel appearing on behalf of the EOU submits that the charges, against the petitioner are grave and profound and such a huge amount has been withdrawn by the petitioner in the shape of land acquisition money, misusing her official position and as such, she is not entitled to pre arrest benefit.

Be that as it may, the petitioner is a government servant and is currently under suspension. She is also facing departmental proceedings. However, in the interest of justice, it is required that the petitioner must cooperate with the trial and that she should make herself available before the Court below at all material time so that the trial of the present case may not be affected and prejudiced in any manner on account of the conduct of the petitioner.

It is thus directed that let the petitioner, above named,



in the event of her 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge Vigilance –II, Patna in connection with Special Case No. 17 of 2013 arising out of Economic Offence Unit P.S. Case No. 34 of 2013 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions hereinbelow:-

(i) It is directed that the petitioner shall make herself available at all material time before the court below after furnishing bail bonds.

(ii) She herself will appear on the next date and receive the police papers, which shall be handed over to her.

(iii) It is also made clear that one of the bailors should be her own blood relation, who shall inform the court at all materials time about her movement.

(iv) She should also not be permitted to leave the country without prior permission of the Court.

(v) In case the petitioner abstains to appear in the Court below from the trial on two consecutive dates without any

valid and plausible explanation on her part, it shall be open for the prosecution to move the court below or this Hon’ble Court for seeking modification/cancellation of the present order.

(Anjana Mishra, J)

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