

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29348 of 2017

Arising Out of PS.Case No. -503 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

- =====
1. Premnandan Thakur (Superintending Engineer retired), S/o Late Mahavir Thakur, 508 Radhe Krishna Apartment, R.K. Bhattacharya Road, Patna- 800001, Bihar.
 2. Madan Mohan Chaudhary, S/o Late Mahendra Chaudhary, Officers Flat, Qr. No. N/3, P.S.- Shashtrinagar at New Punaichak, Patna- 800023.
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 27-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Muzaffarpur Sadar P.S. Case No.503 of 2016 instituted for the offence under Section(s) 406, 409, 420, 467, 468, 471, 120-B Indian Penal Code.

It has been submitted that Petitioner No.1 is a retired Superintending Engineer and at the relevant time he was posted as Executive Engineer, Building Construction Department from 01.08.2007 to 03.07.2010. Petitioner No.2 was Assistant Engineer in Building Construction Department from 02.07.2009 to 02.07.2012 and, now, he is posted as Executive Engineer.



Counsel for the petitioners has submitted that the petitioners have no role in making payment of compensation amount to the beneficiaries for land acquisition. It is done by the Officers of the Land Acquisition Department. Petitioners have merely identified the land, which was to be acquired and thereafter they had submitted the list.

It has further been submitted that co-accused, who was Clerk in Land Acquisition Department, has been granted anticipatory bail by this Court by order dated 10.07.2017 passed in Cr. Misc. No.14131 of 2017.

In the written report, it is alleged that Three Members Enquiry Committee was constituted by the Special Land Acquisition Officer, Gandak Scheme, Muzaffarpur, to enquire the affairs of land acquisition and its related award amounts, which was distributed amongst the beneficiaries for the financial year 2007-08 to 2013-14. The Enquiry Committee examined altogether seven records of land acquisition and found that a sum of Rs.7,95,21,644/- has been paid fraudulently. Thereafter, First Information Report has been lodged against 21 employees and 44 other persons, who were given wrongful payments towards compensation.

In this manner, from the written report itself, it



appears that the matter is concerned with the Land Acquisition Department.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Muzaffarpur Sadar P.S. Case No.503 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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