

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44168 of 2017

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

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Jitendra Kumar Sharma @ Jitendra Prasad @ Jitendra Kumar son of Late Shivjee Prasad Rai Resident of Village - Bharthua, P.S. Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. SRI PANCHANAND PANDIT

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned APP representing the State.

The petitioner apprehends his arrest in connection with Aurai P. S. Case No. 256 of 2014 registered for the offences punishable under Sections 409, 406, 420, 467, 468, 471, 120B of the Indian Penal Code.

Allegedly, the accused persons in collusion and conspiracy with each other withdrew heavy amount against land acquisition award and misappropriated the said amount by forging the government record. The petitioner is not named in the first information report, his name transpires later on that he has also received the amount of Rs. 24,92,720/-.

Submission is of false implication and that the land of the petitioner was acquired by the government and the petitioner



received the amount according to award, nothing has come during inquiry regarding excess payment received by the petitioner. No offence is made out against him. The petitioner has unnecessarily been implicated later on in this case. In this case co-accused Shilendra Kumar @ Shailendra Kumar Rai has been allowed pre-arrest bail by the learned court below itself vide A.B.P. No. 190 of 2015 and further other co-accused who are named in the FIR have also been allowed pre-arrest bail vide Cr. Misc. No. 16488 of 2015, 8360 of 2015 and 20407 of 2016 by another co-ordinate Benches of this Court and as such the petitioner deserves sympathetic consideration.

Learned APP fairly submits that other co-accused have been allowed pre-arrest bail.

In the facts and circumstances of the case, the petitioner above named, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Jawed Aslam, J. M. Ist Class, 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.

(Jitendra Mohan Sharma, J)

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