

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.914 of 2017

Arising out of PS. Case No.-718 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Nabal Kumar Sahani S/o Tulshi Sahani, Resident of Village- Yadab Rai Grant,
P.S.- Bokajan Dihpu, District- Karbi Anglong Assam.

... .. Petitioner/s

Versus

1. The Government of India, through the Deputy Director, Directorate of Revenue Intelligence Regional Unit, Patna.
2. The Assistant Director, Directorate of Revenue Intelligence Regional Unit Patna.
3. Senior Intelligence Officer Directorate of Intelligence, Regional Unit Patna.
4. Intelligence Officer, DRI Regional Unit Patna.
5. The State of Bihar through Jail Superintendent Adarsh Central Jail Beur Patna.
6. The Director CBI, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate
For the Union of India	:	Mr. S.D. Sanjay, Addl.S.G. Mr. Anshuman Singh, C.G.C.
For the C.B.I.	:	Mr. Sanjay Kumar, S.C., C.B.I.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

23 29-08-2018 1. Initially, the present application was preferred in the nature of *habeas corpus* commanding the respondents for immediate release of the petitioner from Adarsh Central Jail, Beur, Patna and also for payment of compensation of Rs. 30 lacs to him for his illegal detention for more than six months.

1.1. A detailed order came to be passed by the Division Bench of this Court vide order dated 25.07.2017 and



the applicant was released. Therefore, now, the question is with respect to the prayer for payment of compensation for illegal detention.

1.2. From the record and even from the earlier order passed by the Division Bench dated 25.07.2017 it appears that one another person created forged documents and misused the documents of the petitioner and he got bail on the basis of such forged documents. That thereafter when his bail came to be cancelled at the instance of the Union of India, he ran away and instead the petitioner was arrested on the basis of the forged documents created by that person which were of the petitioner. Therefore, it can be said that the person who created the forged documents (real accused) was responsible. It is not the case on behalf of the petitioner and it is fairly conceded by the learned counsel appearing for the petitioner that as such the petitioner is not alleging that any officer of the department connived with and/or joined hands with the person who created the forged documents. Under the circumstances, as such there is no question of paying any compensation for illegal detention to be paid by the department. The reliance placed upon the decision of the Hon'ble Supreme Court in the case of **Bhim Singh, MLA Vs. State of J & K and Ors. reported in A.I.R. 1986 SC 494**



is misplaced. Considering the facts before the Hon'ble Supreme Court and applying the same with the facts of the case in hand, the same shall not be applicable to the facts of the case on hand.

2. In view of the above and for the reasons stated above, the present petition stands dismissed so far as the prayer to pay compensation from the Union of India and from the concerned department is concerned. As the applicant is already released on his furnishing personal bond pursuant to earlier order passed by this Court, no further order is required to be passed so far as release of the applicant is concerned.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

P.K.P./-R.S.Sen

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