

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27511 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- RAHUI District- Nalanda

PREM RAJ S/o Bishwanath Prasad R/o village- Kasimpur, P.S.- Khushrupur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-04-2019 Heard both sides.

The petitioner apprehends his arrest in Rahui P.S. case
No. 10 of 2019 registered under Section 406, 409, 420, 467,
468, 471, 477/34 of the IPC.

The informant, Assistant Engineer, Road Division,
Biharsharif, in sum and substance, alleged that land of Khesra
No. 2136 and 2129 area 25 decimal of Khata No. 263 and 236
respectively was standing in the name of Shyama Devi but Anita
Devi claiming herself to be daughter of Shyama Devi filed
petition for issuance of LPC in her name and in collusion with
revenue clerk and others got LPC issued in her name on the
basis of which amount of compensation amounting to Rs.
46,80,000/- was deposited in the account of Anita Devi and the
same was transferred in the name of Jitendra Kumar, Ajit Kumar
Sinha and Baleshwar Prasad from the account of Anita Devi. It



is further alleged that petitioner also played role in getting the LPC issued in the name of Anita Devi.

The learned counsel for the petitioner submits that petitioner did not play any role in getting the LPC issued in the name of Anita Devi nor any amount of compensation was either deposited in the account of petitioner or transferred in the account of petitioner from the account of Anita Devi. In fact the petitioner filed Title Suit No. 300 of 2018 in the court of learned Sub Judge-I, Biharsharif for declaration of right, title and interest on the land in question but the sons of Shyama Devi in whose name the land was recorded disclosed before the police that petitioner filed Title Suit for declaration of title with regard to the same land. Save and except this fact, there is no material to show the involvement of the petitioner in getting amount of compensation for land acquisition. It is further submitted that before withdrawal of amount from the account of Anita Devi and three transferees from her account all the accounts were blocked and no withdrawal was made.

On perusal of the FIR, it appears that there is no chit of paper to show that petitioner applied for issuance of LPC in the name of Anita Devi. Anita Devi herself in collusion with revenue clerk applied for LPC with regard to the land standing



in the name of her mother and those lands were acquired for construction of road but later on it transpired that Shyama Devi got two sons and the amount of compensation has wrongly been transferred in the account of Anita Devi by virtue of illegal LPC issued in her favour. The name of petitioner figured in the case as the petitioner filed Title Suit No. 300 of 2018 for declaration of title over the land in question.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rahui P.S. case No. 10 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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