

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30068 of 2019

Arising Out of PS. Case No.-875 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Jai Kishun Tiwari, son of Ramtapasya Nand Tiwari @ Tapasya Tiwai, resident
of village-Bada Harpur, P.s.-Harsidhi, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 23-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Motihari
Town P.S. Case No.875 of 2018 registered under Sections 420,
409, 467, 468, 471, 472 and 120B read with 34 of the Indian
Penal Code.

It is submitted by the learned counsel for the
petitioner that the petitioner does not appear to have taken any
role in misappropriation of compensation amount by act of
cheating and forgery. He is behind the bar since 16.02.2019 for
no fault of his own. Simply because the alleged amount has
been transferred to the account of the petitioner from the
account of Pramod Mishra, Lalan Patel and Rajendra Sah, it can
not be conclusively presumed that he had played any role at any



stage of misappropriation of the compensation amount.

Per contra, learned counsel for the State submitted that the co-accused Lalan Patel, Parmod Mishra and Rajendra Sah in conspiracy with the petitioner, Arbind Singh, Nikki Tiwari and Gulshan Tiwary misappropriated Rs. 3,17,04,800/- from the office of District Land Acquisition Officer, Motihari on the basis of forged and fabricated documents.

Considering the serious nature of allegation and more than three crores having been transferred to the account of the petitioner from the account of Lalan Patel, Pramod Mishra and Rajendra Sah in whose accounts the amount was transferred on the basis of forged and fabricated papers, I am not inclined to grant him bail for the present. The application is rejected.

(Ashwani Kumar Singh, J)

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