IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56032 of 2019

Arising Out of PS. Case No.-824 Year-2018 Thana- MOTIHARI TOWN District- East Champaran

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PRAMOD MISHRA @ RAM TAPASYA NAND TIWARY Son of Late Kamal Tiwari Resident of Village - Bada Harpur, P.S.- Harsidhi, District - East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 55992 of 2019

Arising Out of PS. Case No.-824 Year-2018 Thana- MOTIHARI TOWN District- East Champaran

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NIKKI TIWARI @ NIKKI TIWARY Wife of Sri Jai Kishan Tiwary Resident of Village - Areraj, P.S.- Govindganj, Distt - East Champaran.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 56032 of 2019)
For the Petitioner/s : Mr.Rajesh Kumar Singh
For the Opposite Party/s : Mr.Damodar Prasad Tiwary
(In CRIMINAL MISCELLANEOUS No. 55992 of 2019)
For the Petitioner/s : Mr.Rajesh Kumar Singh
For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 16-09-2019 Both these applications arise out of same Police Station case and, thus, with the consent of the parties, they are heard together and are being disposed of by this common order.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

These applications, for grant of anticipatory bail, arise out of Motihari Town Police Station Case No. 824 of 2018, disclosing offences under Sections 420/409/467/468/471/472/ 120-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report lodged by the District Land Acquisition Officer, Motihari, is that a piece of land, bearing Khata No. 159, Khesra No. 838, having total area of 90 decimals was acquired for the purpose of establishing Mahatma Gandhi Central University, at Motihari from its recorded owner, namely, Sukhdeo Sah, son of Late Bhangi Sah, resident of village Bankat, Police Station Motihari Mufassil. After completion of the process of acquisition of the said land on 25.04.2018, one person, claiming himself to be Sukhdeo Sah, produced Adhar Card No. 854014506133, Pan Card No. KCFPS3656G and Dena Bank Saving Account Passbook, bearing account no. 194810033772 and other documents related to the acquired land and requested for payment of compensation amount and accordingly Rs. 2,49,61,728/- and Rs. 55,66,272/- was transferred in the said bank account through two cheques. It has further been alleged that on 19.11.2018, one another person, also claiming himself to be the rightful owner of the said land, namely, Sukhdeo Sah, son of Late Bhangi Sah, resident of village Bankat, Police Station Motihari Mufassil, appeared before the District Land Acquisition Officer and requested for payment of the compensation amount towards acquisition of his land. After coming to know about the fact that some body else has received the compensation amount on the basis of the documents, the authority immediately contacted the bank and found that a sum of Rs. 1,30,00,000/- and Rs. 70,00,000/- was transferred in the name of co-accused persons, namely, Jaikishun Tiwary and Arvind Singh respectively. Accordingly, it is alleged that Rs. 3,05,28,000/- has been misappropriated by committing forgery and impersonation by the accused persons.

Learned Counsel for the petitioners submits that the petitioners have committed no offence in the manner alleged inasmuch as the bank account in which the entire compensation amount was transferred does not belong to the petitioners.

Learned Additional Public Prosecutor vehemently oppose the prayers for anticipatory bail and submits that from perusal of the First Information Report and the impugned orders, it appears that a forged bank account was opened in the name of Sukhdeo Sah on the basis of forged documents and the entire compensation amount deposited in the said bank account was re-transferred in the bank account of petitioner, namely, Pramod Mishra, to the tune of Rs. 1,10,00,000/- and Rs. 95,00,000/- was re-transferred in the bank account of petitioner Nikki Tiwary, which, *prima facie*, shows the complicity of these petitioners in the present offence.

After having heard learned Counsel for the parties and taking into consideration the fact that from perusal of the First Information Report and the impugned orders, it appears that a sum of Rs. 1,10,00,000/- and Rs. 95,00,000/- have been transferred in the bank accounts of the petitioners from either the fake account opened in the name of Sukhdeo Sah by impersonation and forgery or from the bank account of co-accused, Jaikishun Tiwary, I am not inclined to grant the petitioners privilege of anticipatory bail.

Accordingly, these applications are dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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