

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68700 of 2019

Arising Out of PS. Case No.-1138 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Vinay Kumar Jha, aged about 50 years (Male), Son of Late Mayakant Jha
Resident of Village - Balha, P.S.- Bahera, District- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Ram Bilash Thakur, aged about 73 years (Male), Son of Late Baua Lal Thakur Resident of Village-Majhaura, P.S.- Bahera, District- Darbhanga

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur,
Mr. Shashank Shekhar
Mr. Malay Kumar Choudhary, Advocates
For Opposite Party No.2: Mr. Shailendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-11-2019 Heard Mr. Ajay Kumar Thakur, learned Advocate

for the petitioner and Mr. Shailendra Kumar Jha, learned

Advocate for the complainant/ opposite party no.2.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 1138 of 2018

in which cognizance has been taken under Sections 420,

467, 468 and 504 of the Indian Penal Code.

According to the prosecution case, a plot of land

was purchased by the complainant/opposite party no. 2 from



the maternal grand-father of the petitioner, who was entrusted with the power of attorney to dispose of the said land. Later, this case came to be lodged over dispute of payment of compensation with respect to the acquisition of the land which is in possession of the petitioner and his son.

Mr. Ajay Kumar Thakur, learned Advocate for the petitioner submits that the father of another co-accused and the father of the petitioner had purchased 10 kathas of a single plot of land which fell in old khata nos. 2 and 3. Out of the aforesaid plot of land, only 2 ½ kathas of land falling in khata no. 2 was sold to opposite party no. 2 by the maternal grand-father of the petitioner. The petitioner and his cousin received compensation with respect to the acquisition of land which always remained in their possession. A Title Suit has also been filed by the father of co-accused Anand Kumar Jha in which the complainant/opposite party no. 2 has entered appearance.

The dispute therefore is only with respect to the acceptance of compensation amount.

Mr. Thakur submits that if at all there is any



dispute with respect to the compensation amount, such objection could be raised by the opposite party no. 2 before the land acquiring authority. However, this case primarily appears to be of civil flavour and therefore criminal case ought not to have been filed against the petitioner.

Considering this submissions on behalf of the petitioner and taking into account the entire set of facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Complaint Case No. 1138 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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