

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62115 of 2019

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

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RAMNATH PASWAN Son of Late Biltu Ram Resident of Village - Rajapur
mathia, P.S.- Kotwa, Dist.- East Champaran (Motihari), At Present clerk,
District Land Acquisition Officer, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE VIGILANCE INVESTIGATION
BUREAU Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sadanand Paswan
For the Opposite Party/s : Mr.Anjani Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 22-06-2020 The present case was heard on 18.6.2020 at length and
today, it has been placed before this Court for orders.

This is an application for grant of anticipatory bail in
connection with Motihari Sadar Town P.S. Case No. 824 of
2018 registered for the offence punishable under Sections 420,
409, 467, 471, 472, 120B of the Indian Penal Code.

The case of the prosecution in brief is that land
acquisition proceedings were initiated for acquisition of the land
in question for the purposes of establishment of Mahatma
Gandhi Central University, Motihari and ultimately, after
completion of the land acquisition proceedings, one Sukhdeo
Sah had submitted an application for payment of the amount of



compensation on 25.4.2018, whereafter, a sum of Rs. 2,49,61,728.00 and a sum of Rs. 55,66,272.00 was transferred in his account. On 19.11.2018, one another person, claiming to be also Sukhdeo Sah, had appeared before the District Land Acquisition Officer, East Champaran, Motihari, who is the informant of the present case, and had orally requested to pay the compensation amount, whereafter inquiry was made and from the perusal of the records, it transpired that compensation has been paid earlier to one person, bearing the name of Sukhdeo Sah. Thereafter, the bank having the account of the said Sukhdeo Sah, in which the compensation was deposited, was contacted and it transpired that one Jai Kishun Tiwary had withdrawn a sum of Rs. 1,30,00,000.00 from the said account and one person, namely, Arvind Singh had got transferred a sum of Rs. 70,00,000.00 in his account. In view of the fact that two claimants had appeared before the Officer of the District Land Acquisition Officer, as aforesaid, he had made a complaint before the Officer-in-Charge, City Police Station, Motihari, leading to registration of the FIR in question.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he is not named in the FIR and the only role of the petitioner was to verify the land



possession certificate, which has originated from the block office and the petitioner, after verifying the same, had forwarded the same to the head clerk and thereafter, the petitioner is having no role to play either in the sanction or payment of the amount in question. The learned senior counsel for the petitioner has further submitted that the entire money in question, said to have been misappropriated, has already been recovered. It is further submitted that the petitioner is having a clean antecedent, hence, this Court may consider grant of anticipatory bail to the petitioner herein.

Per contra, the learned APP for the State and the learned counsel appearing for the Vigilance have vehemently opposed the prayer for bail and have submitted that there are ample materials in the case diary to connect the petitioner with the alleged crime.

I have heard the learned senior counsel for the petitioner and the learned counsels for the opposite parties, as also perused the materials on record and the materials available in the case diary.

A bare perusal of the case diary would show that as far as the petitioner is concerned, he is Assistant in the Land Acquisition Office, Motihari and the present scam involving



defalcation of huge sums of money has originated from the said office. Moreover, the police, upon investigation, has found the case to be true as against the petitioner as well, apart from finding the same to be true against other accused persons as well.

Considering the materials available in the case diary as also taking into account the fact that prima facie, the case in question has been found to be true as against the petitioner also and the present case involves defalcation of a huge sum of Government money i.e. withdrawal of compensation amount by a fictitious person, which is not possible without the connivance of the officials and staffs of the Land Acquisition Office, Motihari, I do not find the present case to be a fit case, at least for grant of the privilege of anticipatory bail to the petitioner herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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