

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75126 of 2019

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

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Jata Shankar Singh, Son of Sri Bhupnarayan Singh, Resident of Village -
Ghiwadhar, P.S.- and Distt - East Chmaparan.

... .. Petitioner/s

Versus

The State of Bihar Through Vigilance Department Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj kumar Rajesh, Advocate.
For the Opposite Party/s : Mr.Anjani Kumar(L.O. I/C , Vigi.)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

10 01-02-2021 Heard Mr. Raj Kumar Rajesh, learned counsel

appearing for the petitioner, Mr. V.N.P. Sinha, learned senior
counsel, assisted by Ms. Soni Srivastava, learned counsel
appearing for the Economic Offence Unit and Mr. Anil Singh,
learned counsel appearing for the Vigilance Department.

The petitioner apprehends his arrest in connection
with Special Case No. 17A/19 arising out of Motihari Town P.S.
Case No. 824 of 2018, registered under Sections 420, 409, 467,
468, 471, 472 and 120(B)/34 of the Indian Penal Code.

The accusation is that for establishment of
Mahatama Gandhi Central University, Motihari, land was
acquired in village Bankat, P.S. Motihari Muffasil including
land of Plot No. 838 of Khata No. 159, area 19 decimals, which



was in the name of Sukdeo Sah, son of Late Bhangi Sah, Resident of Bankat, P.S. Muffasil Motihari, District- Champaran and after completion of land acquisition proceeding on 28.04.2018, one person having Adhar Card No. 354014508133, Pan Card No. KCFPS3050G, Bank Passbook (A/C No. 194010033772) of Dena Bank, Motihari with documents regarding possession of land and rent receipt in the name of Sukdeo Sah, son of Late Bhangi Sah, Resident of Bankat, P.S. Muffasil Motihari, District- Champaran applied for compensation, on which, Cheque No. 106252 dated 25.04.2018 of PD Account No. 073 of Treassury of Rs.2,49,61,728/- and Cheque No. 106387 dated 27.07.2018 of Rs.55,66,272/- were transferred. Thereafter, on 19.11.2018, Sukdeo Sah, son of Late Bhangi Sah, Resident of Bankat, P.S. Muffasil Motihari, District- Champaran appeared and prayed for payment of compensation regarding the said land. On verification of the documents in the office, it was detected that one another person in the name of Sukdeo Sah, son of Late Bhangi Sah, Resident of Bankat, P.S. Muffasil Motihari, District- Champaran has already received the aforesaid compensation. As such, two persons in the same name 'Sukdeo Sah' have claimed himself for compensation regarding the acquired land. On verification



from the Bank, it was detected that out of received compensation amount, Rs.1,30,00,000/- transferred in the account of Jaikishun Tiwary, son of Ramtapasyanand Tiwary, village- Areraj, P.S. Govind Ganj, District East Champaran in his Account No. 194810033589 and Rs.70,00,000/- transferred in the name of Arbind Singh, Son of Binda Singh, Village- Raxaul, P.S. Raxul, District East Champaran in his Account No. 19481003370 in Dena Bank, Motihari. Thereafter, Manager of Dena Bank, Motihari, was requested to stop the payment of aforesaid amount from two accounts.

Learned counsel for the petitioner submits that petitioner is Anchal Amin in Motihari Anchal and he is not named in the FIR but in course of investigation, one Sadanand Singh, Assistant Land Acquisition Officer, Motihari, was apprehended, who only disclosed the name of the petitioner to the effect that this petitioner had done the measurement of land in the village and issued the Land Possession Certificate in the name of Sukdeo Sah, son of Late Bhangi Sah, Resident of Bankat, P.S. Muffasil Motihari, District- Champaran and the petitioner was seen with the person, who received the compensation amount. It has not come in the case diary, which is up to paragraph 76 dated 12.03.2020, that this petitioner in



any manner has assisted to the person, who firstly claimed himself as Sukdeo Sah, son of Late Bhangi Sah, Resident of Bankat, P.S. Muffasil Motihari, District- Champaran, showing Adhar Card, Pan Card and Passbook in the name of Sukdeo Sah, son of Late Bhangi Sah, Resident of Bankat, P.S. Muffasil Motihari, District- Champaran.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance, Muzaffarpur, District- Muzaffarpur, in connection with Special Case No. 17A of 2019 arising out of Motihari Town P.S. Case No. 824 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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