

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32616 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- BIKRAM District- Patna

SMT. TARA DEVI W/o Matuk Ram R/o village- Maner Telpa, P.S.- Bikram,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36174 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- BIKRAM District- Patna

MATUK RAM S/O SHIVDAHIN RAM R/o village- Maner Telpa, P.S.-
Bikram, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37355 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- BIKRAM District- Patna

HARIBANSH KUMAR Son of Matuk Ram Resident of Village- Maner
Telpa, P.S.- Bikram District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32616 of 2021)

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the Informant : Mr. Ashok Kumar Sinha, Advocate

For the State : Mr. Ashok Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 36174 of 2021)

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the Informant : Mr. Ashok Kumar Sinha, Advocate

For the State : Mr. Pawan Kumar Chaurasia, APP

(In CRIMINAL MISCELLANEOUS No. 37355 of 2021)

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the informant : Mr. Ashok Kumar Sinha, Advocate

For the State : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA



ORAL ORDER

4 02-03-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with Bikram P.S. Case No. 01 of 2021 registered for the offence punishable under Sections 406, 420, 467, 468, 471 and 419/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that the petitioners have allegedly withdrawn the compensation amount towards the acquisition of land belonging to the informant by impersonating themselves and by preparing a forged document viz. Aadhar Card etc.

Learned counsel for the petitioners submits that the petitioner of Cr. Misc. 32616/2021, namely, Tara Devi, is sister-in-law (*Nanad*) of the informant, petitioner of Cr. Misc.36174/2021 is husband of Tara Devi and petitioner of Cr. Misc.37355/2021 is their son. Learned counsel further submits that there was dispute between the petitioners and the informant with regard to ownership of the land which was acquired by the National Highway-98 and a sum of Rs. 15,32,453/- was received by the petitioners as compensation from the National Highway in a *bona fide* manner.



On the other hand, Mr. Ashok Kumar Sinha, learned counsel for the informant, has vehemently opposed the prayer for bail and submits that the informant purchased the subject land and had handed over the same to her brother Mutuk Ram, who in connivance with his wife Tara Devi and son, fraudulently received the compensation amount of Rs. 15,32,453/- for acquisition of her land for National Highway. Learned counsel further submits that Tara Devi impersonated herself as the informant before the authority for receiving the amount as compensation. He next submits that the petitioners may be directed to deposit a sum of Rs.5,00,000/- in the court below subject to the final outcome of this case.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioners have remained in custody since 14.1.2021 and 12.3.2021 respectively, charge sheet has been filed and the allegation against the petitioners are merely based upon the documents, I am inclined to grant **provisional bail** to the petitioners at this stage.

Accordingly, let the petitioners, above named, be released on **provisional bail for a period of three months** on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Danapur, Patna, in connection with Bikram P.S. Case No. 01 of 2021 to enable the petitioners to deposit a sum of Rs.5,00,000/- before the court below.

However, if the petitioners deposit the aforesaid sum of Rs. 5,00,000/- before the learned court below within three months, their bail bonds shall be confirmed by the court below itself. If the petitioners fail to deposit the aforesaid amount within the stipulated time, the provisional bail granted to them shall stand revoked automatically and they shall be required to surrender before the learned court below immediately failing which the learned court below shall take necessary steps for arrest of the petitioners.

It is made clear that money so deposited by the petitioners before the court below shall be kept in interest bearing fixed deposit in the schedule Bank.

(Anil Kumar Sinha, J)

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