

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54222 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- RIVILGANJ District- Saran

HARINATH RAM S/o- Late Ram Ayodha Ram Resident of Village - Pohiya
Dhala, Mauza - Semariea, P.S. - Rivilganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Rivilganj P.S. Case No. 122 of 2021 registered for the offence under Sections 406, 420 and 206 of the Indian Penal Code.

The petitioner is said to have fraudulently realized the entire compensation amount of acquired land and grabbed the share of his brother.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, the petitioner after receiving notice under Section 37(2) of the LARR Act, 2013 submitted all the required documents before the authority concerned for realization of compensation amount of his share against the acquisition of his land but inadvertently entire compensation amount including the share of his brother has been deposited in the account of the petitioner. Learned counsel for the petitioner further submits that the petitioner is entitled for one half share of compensation amount and he undertakes to remit back the excess amount of compensation within a period of four weeks from his release. Hence, the petitioner may be enlarged on bail as he is rotting in judicial custody since 23.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the undertaking given by the petitioner, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra in connection



with Rivilganj P.S. Case No. 122 of 2021 subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Further, it is made clear that the petitioner shall file an affidavit enclosing the acknowledgment of return of excess amount of compensation before the court below



within a period four weeks from the date of his release and on being so, the learned court below shall confirm the provisional bail of the petitioner.

Needless to say that if the petitioner fails to act as per the undertaking given by him before this Court, his bail bond shall automatically stand canceled.

(Rajesh Kumar Verma, J)

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