

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48412 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- RAUTARA District- Katihar

MD. SAFIQUE @ MOHAMMAD SAFIQUE Son of Late Abdus Salam R/V-
Naya Tola, Chapsi, P.S- Rautara, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kashyap, Advocate.
For the Opposite Party/s:		Ms.Madhuri Lata, A.P.P.
For the informant	:	Mr. Bimal Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2022 Heard Mr. Prashant Kashyap, learned counsel for
the petitioner, Ms. Madhuri Lata, learned Additional Public
Prosecutor appearing for the State and Mr. Bimal Kumar,
learned counsel for the informant through video
conferencing.

Petitioner seeks regular bail in connection with
Rautara P.S. Case No. 30 of 2022 arising out of Complaint
Case No. 131 of 2022 registered for the offences punishable
under Sections 406, 420, 467, 468 and 120-B of the Indian
Penal Code 1860.

As per complaint-cum-First Information Report,
the petitioner has wrongly received the compensation
towards the acquisition of land belonging to the father of
the complainant-cum-informant to the tune of



Rs.23,62,200/-.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case in order to put pressure upon him. Learned counsel next submits that the fact of the matter is that the land in question, which has been acquired for National Highway, was let out by the father of the informant in favour of the petitioner for running a hotel. He also submits that the petitioner is a tenant and after the land in question was handed over to him by informant's father, he constructed the concrete hotel upon the said land and was running the same before acquisition of the land along with hotel.

Learned counsel refers to Section 23 (c) of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 and submits that affected family includes the tenant also. He next submits that vide Annexure-3, a notice under Section 37(2) has been served upon the petitioner by the Land Acquisition Officer, Katihar, to receive compensation under Section 23 and 30 of the Act. He further submits that the



Land Acquisition Officer, after proper verification, has given the compensation to the petitioner for the structure, i.e. hotel, and the compensation towards the land has already been given to the father/complainant as would be evident from Annexure-1 to this petition.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that from perusal of paragraph-7 of the impugned order, it transpires that the land was given to the petitioner on which the tin structure was made by him and not the concrete structure like hotel. He further submits that other two accused persons have been granted bail by the lower court itself after depositing a sum of Rs.2,60,000/-, as such, petitioner be also directed to deposit the compensation amount.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner is claiming to be a *bona fide* person entitled to receive compensation, he is in custody since 12.6.2022 and charge sheet has already been submitted, I am inclined to grant regular bail to the



petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of Sri Suraj Prakash, learned Judicial Magistrate, 1st Class, Katihar, in connection with Rautara P.S. Case Case No. 30 of 2022 arising out of Complaint Case No. 131 of 2022.

(Anil Kumar Sinha, J)

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