

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66010 of 2019

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

=====

CHOUDHARY BASANT KUMAR SINGH Son of Umeshwar Chaudhary
Resident of Village - Kurso, Post- Chunni, P.S.- Madhepur, Dist.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE DEPARTMENT, BIHAR
Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67941 of 2019

Arising Out of PS. Case No.-875 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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CHOUDHARY BASANT KUMAR SINGH Son of Umeshwar Chaudhary
Resident of Village - Kurso, Post- Chunni, P.S.- Madhepur, District -
Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE DEPARTMENT, BIHAR
Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70119 of 2019

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

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SUDHIR PRASAD SINGH Son of Late Satyadeo Prasad Singh Resident of
Village- Siswa Kharar, P.S.- Kalyanpur, District- East Champaran. At present
Nazir, Land Acquisition Officer, East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, Bihar, Patna. Bihar, Patna.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 66010 of 2019)

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Sr. Advocate



For the Opposite Party/s : Mr. Anjani Kumar (L.O Inc VIG)
(In CRIMINAL MISCELLANEOUS No. 67941 of 2019)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Sudhir Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Anjani Kumar (L.O Inc. Vig.)
(In CRIMINAL MISCELLANEOUS No. 70119 of 2019)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

15 28-06-2023 **CRIMINAL MISCELLANEOUS No.66010 of 2019**

Heard learned Senior Counsel for the petitioner
and learned Special P.P. for the Vigilance, Sri Vikram Rana.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406,
420, 409, 467, 468, 471, 472, 120B and 34 of the Indian
Penal Code and under Sections 13(1)(C) and 13(2) of the
Prevention of Corruption Act read with Sections 66(C) and
66(D) of the Information Technology Act.

The learned Senior Counsel for the petitioner
submits that petitioner is a person with clean antecedent and
the informant alleges that land of Sukdeo Sah son of Late
Bhangi Sah, pertaining to *Khata* No. 159, *Khesra* No. 838
area 90 decimal was acquired for establishing Mahatma
Gandhi Central University at Village-Bankat, District-East
Champan, it is next alleged that thereafter Sukdeo Sah
with all relevant documents appeared for receiving the



compensation amount for the said land, accordingly, an amount of Rs. 2,49,61,728/- and Rs. 55,66,272/- was transferred in the account No. 194810033772 of Dena Bank from P.D. Account No. 073 of Treasury. It is next alleged that thereafter on 19.11.2018, another person disclosing his name as Sukdeo Sah appeared for receiving compensation, thereafter on inquiry, it transpired that the amount of compensation has already been received by a person of the same name and thereafter it was revealed that from the account of Dena Bank in which the money was transferred from P.D. Account No. 073, an amount of Rs. 1,30,00,000/- was transferred in the account of Jaikishun and an amount of Rs. 70,00,000/- was transferred in the account of Arvind Singh, it is thus alleged that an amount of Rs. 3,05,28,000/- has been embezzled.

The learned Senior Counsel for the petitioner submits that petitioner is the Circle Officer and has been falsely implicated in the present case, it is next submitted that petitioner is not named in the F.I.R. and his name transpired during the course of investigation in confessional statement of co-accused in police custody which does not



have any evidentiary value. It is further submitted that during the course of investigation, the name of the petitioner did not transpire, but his name transpired in the Supervision Report of the Deputy S.P., Sadar Motihari.

The learned Senior Counsel for the petitioner next submits that the Land Possession Certificate No. 37, 74 and 139 was issued from the office of the petitioner and during investigation, it has come that the alleged L.P.C. No. 37 is issued from the office of the petitioner, but in other certificates i.e. Certificate No. 74 and 139, signature of petitioner appears as similar and thus was recommended for examination by handwriting expert and without waiting for the report of the handwriting expert, the petitioner has been made an accused in the present case.

The learned Senior Counsel for the petitioner next submits that petitioner is a government servant and will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth, it is next submitted that the case is of the year 2019 and till date the petitioner has not been arrested, as such no useful purpose would be



served by sending the petitioner to jail when petitioner is willing to co-operate in the investigation.

The learned Special P.P., Sri Vikram Rana, opposes the anticipatory bail application of the petitioner and submits that on account of forgery committed in the office of the petitioner that an amount of Rs. 3 Crores and Odd was embezzled by fraudulent person in the name of Sukdeo Sah. It is further submitted that this petitioner, being the Circle Officer, is involved in the present occurrence.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Motihari Town P.S. Case No. 824 of 2018 arising out of Special Case No. 17A of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the



Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance is not co-operating or is not presenting himself as and when required, then the learned Trial Court shall be at liberty to cancel his bail bonds after recording reasons.

Let a copy of this Order be sent to the concerned Police Station.

CRIMINAL MISCELLANEOUS No. 67941 of 2019

Heard learned Senior Counsel for the petitioner and learned Special P.P., Mr. Vikram Rana for the Vigilance.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 409, 467, 468, 471, 472, 120B and 34 of the Indian Penal Code and under Sections 13(1)(C) and 13(2) of the Prevention of Corruption Act read with Sections 66(C) and 66(D) of the Information Technology Act.

The learned Senior Counsel for the petitioner, at the outset submits that this petitioner has been granted anticipatory bail by order dated 28.06.2023 in Criminal Miscellaneous No. 66010 of 2019, it is next submitted that



the allegation in the present case is also identical to the allegation alleged in Criminal Miscellaneous No. 66010 of 2019. It is further submitted that only the P.S. case number is different.

The learned Special P.P for the Vigilance does not dispute the said contention of the learned Senior Counsel for the petitioner.

The learned Senior Counsel for the petitioner submits that anticipatory bail be granted to the petitioner on the same terms and conditions as was recorded in the order dated 28.06.2023 in Criminal Miscellaneous No. 66010 of 2019.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Motihari Town P.S. Case No. 875 of 2018 subject to the conditions as



laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 70119 of 2019

Heard learned counsel for the petitioner and learned Special P.P. Mr. Vikram Rana for the Vigilance.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 409, 467, 468, 471, 472, 120B and 34 of the Indian Penal Code and under Sections 13(1)(C) and 13(2) of the Prevention of Corruption Act read with Sections 66(C) and 66(D) of the Information Technology Act.

The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and was serving as *Najir* in the District Land Acquisition Office, East Champaran and the informant alleges that land of Sukdeo Sah son of Late Bhangi Sah, pertaining to *Khata* No. 159, *Khesra* No. 838 area 90 decimal was acquired for establishing Mahatma Gandhi Central University at Village-Bankat, District-East Champaran, it is next alleged that thereafter Sukdeo Sah with all relevant documents appeared for receiving the compensation amount for the said land,



accordingly, an amount of Rs. 2,49,61,728/- and Rs. 55,66,272/- was transferred in the account No. 19481003377 2 of Dena Bank from P.D. Account No. 073 of Treasury. It is next alleged that thereafter on 19.11.2018, another person disclosing his name as Sukdeo Sah appeared for receiving compensation, thereafter on inquiry, it transpired that the amount of compensation has already been received by a person of the same name and thereafter it was revealed that from the account of Dena Bank in which the money was transferred from P.D. Account No. 073, an amount of Rs. 1,30,00,000/- was transferred in the account of Jaikishun and an amount of Rs. 70,00000/- was transferred in the account of Arvind Singh, it is thus alleged that an amount of Rs. 3,05,28,000/- has been embezzled.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the amount was paid to Sukdeo Sah as he had appeared with all the relevant documents and it was only after verification that the amount was paid. It is further submitted that the Circle Officer has been granted the privilege of anticipatory bail by order dated 28.06.2023 in



Criminal Miscellaneous No. 66010 of 2019. It is also submitted that since Sukdeo Sah had appeared with all the relevant documents, as such the amount was paid and subsequently it transpired that the said Sukdeo Sah was a fraudulent person, but then he was having all the relevant documents.

The learned Special P.P. for the Vigilance opposes the anticipatory bail application of the petitioner and submits that petitioner, being *Najir*, was involved in the occurrence as it was his bounden duty to ensure that before making such huge payment, proper verification ought to have been done.

The learned counsel for the petitioner, at this stage, submits that he is a government servant and will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the Case for eliciting the truth.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Motihari Town P.S. Case No. 824 of 2018 arising out of Special Case No. 17A of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance is not co-operating or is not presenting himself as and when required, then the learned Trial Court shall be at liberty to cancel his bail bonds after recording reasons.

Let a copy of this Order be sent to the concerned Police Station.

(Satyavrat Verma, J)

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