

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51476 of 2023**

Arising Out of PS. Case No.-183 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Jeetlal Ray, Male, aged 83 years, Son of Late Deoki Rai, resident of Village-  
Mthwaliya, Post- Chanchaura, Hasanpurwa, District- Saran (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Akshansh Ankit, Advocate  
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

7      29-02-2024                      Heard learned counsel for the petitioner and  
  
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chapra Mufassil P.S. Case No. 183 of 2020 dated 30.04.2020 registered for the offences punishable under Sections 406, 467, 468 and 471 of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have received Rs. 5,50,859.40/- by way of compensation for the acquisition of Plot No. 762, Mauza- Meithvalia (acquired for the purpose of construction of N.H. 19, four-lane), on the basis of forged documents. Despite several opportunities and notice, the petitioner did



not return the said compensation amount.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the compensation amount was received by the petitioner after following the due procedure and on the basis of genuine documents and claims of ownership of the land acquired. It is further submitted that on 08.02.2019, an order was passed by the learned competent Tribunal-cum-District Land Acquisition Officer, Saran at Chapra, directing the petitioner to return/deposit the compensation amount received by him in connection with Award 70 which was averred in the said order that the notice dated 29.08.2017 to return the compensation amount was issued on the objection of one Kanhaiya Kumar, which notice was not responded by the petitioner. Against the said order dated 08.02.2019, the petitioner has preferred Civil Miscellaneous Case (N.H. Act, 1954) No. 133 of 2020 in the court of learned District Judge, Saran at Chapra which is still pending. It is further submitted that a certificate proceeding has also been initiated against the petitioner for recovery of the amount of



compensation. Learned counsel for the petitioner placed reliance on the judgment in the case of *Bimla Tiwari Vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)* at para 10, the Hon'ble Apex Court has held that 'we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail.' The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Saran at Chapra, in connection with Chapra Muffasil P.S. Case No. 183 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-



(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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