

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1053 of 2024

Arising Out of PS. Case No.-503 Year-2016 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Vinod Kumar Thakur Son of Nasib Narayan Thakur R/o vill - Mahaveer
Colony, P.O. - Anisabad, P.S. - Beur, Phulwari, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Pramod Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Ajit Kumar,

learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Sadar P.S.Case No.503 of 2016, registered for the offences

punishable under Sections 406, 409, 420 467, 468, 471 and

120(B) of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner

in connivance with other government officials named in the FIR

misappropriated the government money amounting to

Rs.7,95,21,644/- during the Financial Year, 2007-08 to 2013-14.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner had joined as the Land



Acquisition Officer, Muzaffarpur in the year, 2008. He further submitted that all the beneficiaries have been made accused in the present FIR and they have accepted that they have received amount of compensation on the basis of the nature of land and its valuation as recommended by the Survey Authority and the *Amin* during the course of acquisition of land for *Gandak Pariyojna*.

5. It is contended on behalf of the learned counsel appearing on behalf of the petitioner that the petitioner is not responsible for conducting survey and identifying the nature of land - whether it is agriculture land or residential. He submitted that it is the sole responsibility of the Officer, who had conducted survey in the area, Kanoongo and Survey Amin, who have also been made accused.

6. Learned counsel appearing on behalf of the petitioner further submitted that one co-accused Anirudh Pandey has been granted pre-arrest bail, order dated 10.07.2017 passed in Cr. Misc. No.14131 of 2017 and other similarly situated co-accused, namely, Jai Narayan Yadav and Ugra Mohan Jha have also been released on anticipatory bail by a Co-ordinate Bench of this Court.

7. Learned counsel further proceeded to submit that



the petitioner being the Land Acquisition Officer was required to perform his statutory duty in terms of provisions as contained in Section 43 (2) of the Land Acquisition, Rehabilitation & Re-Settlement Act, 2013 (hereinafter to be referred as the 'Act, 2013') and the Rules framed thereunder. Learned counsel submitted that following the due procedure of law, the petitioner being Land Acquisition Officer and duly notified to discharge role of the Administrator on behalf of the Collector of the district had paid compensation amount, as determined in the individual case of the beneficiaries, who were required to be rehabilitated. On these grounds, the learned counsel seeks that the petitioner be released on pre-arrest bail.

8. *Per contra* Mr. Ajit Kumar, learned APP appearing on behalf of the State submitted that there is direct allegation of misappropriating the huge public money by the petitioner in connivance with the beneficiaries and other state government officials. The petitioner does not deserve to be released on pre-arrest bail.

9. Having considered the rival submissions made on behalf of the parties, as well as, I having perused the allegations made in the FIR, which has been lodged against 65 named accused persons including several government officials, as well



as, the beneficiaries on the basis of the report submitted by the Special Land Acquisition Officer, Muzaffarpur, Gandak Pariyojna. The State Government had come with a notification for acquisition of land and in the said process, in accordance with the provision of Land Acquisition Act, 1956, the Collector had notified and had sought objection in accordance with the provision of the Act and, thereafter, proceeded to prepare award in favour of the persons, whose lands were acquired under the Gandak Pariyojna. The Government had fixed the amount of compensation on the basis of the value in the area on the MVR (Market Value Rate) in accordance with the provisions of Section 30 of the Land Acquisition, Rehabilitation & Re-Settlement Act, 2013. An award of solatium was prepared after determining the total compensation to be paid. In accordance with the provisions of the Act, the award was passed under Section 31 of the Land Acquisition, Rehabilitation & Re-Settlement Act, 2013 by the Collector. In accordance with the provision of Section 35 of the Land Acquisition, Rehabilitation & Re-Settlement Act, 2013, awards shall be filed in the Collector's office and after the interested persons appear before the Collector and after examining the market value of the land, solatium so determined and the apportionment of the



compensation amount among the person interested, a notice is required to be given by the Collector to the award holders by giving a public notice.

10. The petitioner under the Act was appointed as the Administrator to act on behalf of the Collector and he was having direct jurisdiction over the officials, who had evaluated the cost of the land on the basis of the MVR. The petitioner was posted during the period while the amount of the compensation was paid to the awardee and he never raised any objection with respect to correction of the award, in accordance with the provision of Section 33 of the Act, 2013.

11. This Court finds that the petitioner can not be said to have acted in fairness and his connivance with the other officials of the State can not be ruled out.

12. Petitioner can not claim parity with the co-accused Anirudh Pandey, who has been granted bail in order dated 10.07.2017 passed in Cr. Misc. No.14131 of 2017, taking into consideration that the said co-accused had taken charge from one Pramod Kumar on 03.12.2013 and none of the voucher bears his signature and as such, the co-accused were granted anticipatory bail by a Co-ordinate Bench of this Court. The petitioner being Administrator- cum- Land Acquisition Officer



is responsible for making payment of awarded amount to the awardee. The involvement of the petitioner in misappropriation of the government fund can not be ruled out.

13. It has been informed at this stage by the learned counsel appearing on behalf of the petitioner that the petitioner had retired in the year, 2022 and the FIR was lodged on 13.09.2016, while the petitioner was holding the post of Land Acquisition Officer, which also shows the petitioner has misused his position by not resorting for correction of the award in spite of the fact that the FIR was lodged against him during his service period. The petitioner, as informed, had retired in the year, 2022.

14. Under the facts and circumstances mentioned hereinabove, I am not inclined to enlarge the petitioner on pre-arrest bail.

15. The petitioner, if so desire, may avail appropriate remedy in accordance with law.

(Purnendu Singh, J)

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