

(2013) 03 JH CK 0009

Jharkhand High Court

Case No: A.B.A. No. 268 of 2013

Most. Kaushalya Devi

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision: March 12, 2013

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)

Citation: (2013) 2 AJR 411

Hon'ble Judges: Prashant Kumar, J

Bench: Single Bench

Advocate: Prabhat Kumar Sinha, for the Appellant; Awanikant Prasad, Assistant Public Prosecutor, for State, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Prashant Kumar, J.

Anticipatory bail application filed by Most. Kaushalya Devi is moved by Sri. Prabhat Kumar Sinha, learned counsel for the petitioner and opposed by Sri. Awanikant Prasad Sinha, Addl. P.P. for the State. It is stated that petitioner received compensation for the land acquired by the National Highway Authority of India. However, later on somebody has filed complaint that she is not the right person for receiving compensation amount.

2. Accordingly, the District Land Acquisition Officer referred this matter to the Land Acquisition Judge, Hazaribagh for adjudication where the matter is pending. During pendency of the case, the present First Information Report lodged by Kanoongo on the direction of District Land Acquisition Officer. It is submitted that when the matter is pending for inquiry before Competent Civil Court then the authority ought to have waited for the outcome of said judicial proceeding. Considering the aforesaid fact and circumstance, I allow this application and direct the petitioner,

named above, to surrender in the Court below by 22.3.2013. If petitioner surrenders by that time, the Court below is directed to enlarge the petitioner, named above, on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Hazaribag in connection with Sadar P.S. case No. 287 of 2012, corresponding to G.R. No. 1159 of 2012, subject to the condition as laid down u/s 438(2) of the Cr.P.C.