

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46541 of 2014

Arising Out of PS.Case No. -188 Year- 2013 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

Surendra Prasad, son of Late Sitaram Bhagat, Panchayat Sachiv, Gram
Panchayat Raj, Balua, Block – Paharpur, P.S. – Paharpur, District – East
Champaran, Permanently resident of villag e- Chorma, P.S. – Pakaridayal,
District – East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.23099 of 2015

Arising Out of PS.Case No. -188 Year- 2013 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

Hari Das S/o Late Dharamraj Das, resident of village - Baluwa, Bhagat
Tola, P.S. Paharpur, District Motihari.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.23568 of 2015

Arising Out of PS.Case No. -188 Year- 2013 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

Krishnandan Kumar, S/o- Late Lala Prasad, resident of village -
Dasharathpur, P.S. - Giriyak, District- Nalanda.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH
ORAL ORDER

3 22-05-2015 All these three applications are being
heard together and disposed of by this common order.
The three petitioners in these
applications apprehend their arrest in relation to
Paharpur P.S. Case No. 188 of 2013 for the offences

under Sections 420, 409, 461, 468, 471 and 120(B) of the Indian Penal Code.

On the basis of information given by one Amar Mahto (Ex-Sarpanch) to Deputy Superintendent of Police, Areraj, First Information Report was instituted. The allegation is that the members of the Panchayat Samiti along with and in connivance with officials of the Panchayat Samiti have wrongly and illegally distributed Indira Awas. The allegation is that the people who are not handicapped were shown to be handicapped and given allotment for illegal construction of house.

Learned counsel for the petitioners submits that several other persons in the same case have already been granted bail by this court. Petitioner Surendra Prasad is Panchayat Secretary. Petitioner Hari Das is beneficiary who alleges that he applied for Indira Awas under the category of BPL but has wrongly been given the same under the category of handicapped. Petitioner Krishnandan Kumar is the Head Clerk.

Having heard learned counsel for the petitioners, the first thing to be noted is that if the petitioner Hari Das wrongly received house allotment which was made for handicapped, he may first surrender that house allotment, and after having surrendering it to the authorities and vacating the same, he would file proof of it before the learned Chief Judicial Magistrate. Thereafter, the learned Chief



Judicial Magistrate would release him on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the court.

So far as other petitioners are concerned, till completion of investigation, in the event of their arrest/surrender before the court below within four weeks, let the petitioners, namely, Surendra Prasad and Krishnandan Kumar, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of Sri R.K. Razak, learned Judicial Magistrate, Motihari, East Champaran, in connection with Paharpur P.S. Case No. 188/2013, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J.)

Rajeev/-

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