

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44806 of 2015

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1. Hari Das S/o Late Dharamraj Das resident of village- Baluwa Bhagat
tola, P.S. Paharpur, District- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

ORAL ORDER

2 04-11-2015 This application has been filed by Hari Das, seeking
modification of the order dated 22-5-2015 passed in Cr.Misc. No.
23099 of 2015 and analogous cases.

The petitioner states that he had received Rs. 45000/- to
make a house under the Indira Awas Yojna. The house was made
on his own land. His grievance is that this Court while disposing
of the earlier application has noted that he has wrongly received
the allotment of the house and he should return the same. That
may not be possible because the house was built upon his own
land. He is ready to refund the entire money that was paid to him
i.e., Rs.45,000/-.

Having considered the matter, in my view, these matters
cannot be investigated by this Court in these proceedings. It would

be open for the petitioner to surrender in the court below, and satisfy the court below that it is upon his land that the house was built with the money taken from Indira Awas Yojna, and that he has since refunded the entire money of Rs.45,000/- to the Government, as received.

Upon consideration of those facts, the court below will consider the application without being prejudiced by this order and pass orders accordingly. To that extent the order passed earlier stands modified. The petitioner may surrender within four weeks from today.

(Navaniti Prasad Singh, J)

B.K.Roy/-

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