

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39803 of 2014

Arising Out of PS.Case No. -1166 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Balgovind Paswan
2. Baljee Paswan Both Son of Sri Amirchand Paswan Both Resident of
Village- Gopalpur, Police Station - Vaishali , District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Madan Mohan Singh Son of Late Ram Surat Singh Resident of Village -
Chakdaria, Police Station- Vaishali , District - Vaishali.

.... Opposite Party/s

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Appearance:

For the petitioners: Mr. Abhay Kumar, Adv
For the State : Mr. Indu Bala Pandey APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offence punishable under section 420 of the Indian Penal Code and that the petitioners had obtained the amount under Indira Awas Yojana of a sum of Rs. 24,000/- each by changing the name of their fathers from Amir Chand Paswan to Suraj Paswan, this Court keeping in view that both petitioners have also criminal antecedent is not inclined to grant the privilege of anticipatory bail to the them, specially when learned counsel for the petitioners has not even been able to satisfy this Court as to whether the petitioners whether in the fathers' name of Amir Chand

Paswan or Suraj Paswan had drawn money of Rs. 24,000/- each.

Let it be also kept in mind that the change of name of father of the petitioners for obtaining the Indira Awas amount has itself element of cheating because if the petitioners could have declared their fathers name as Amir Chand Paswan instead of Suraj Paswan they could not have been found entitled for grant of such amount under the scheme and therefore, this Court is not at all impressed with the solitary submission being repeatedly made by the learned counsel for the petitioners that the complainant had no *locus standi* and that no complaint was filed against the petitioners by the concerned person. In criminal case the concept of *locus standi* unless barred by the statutes will have no relevance.

Thus for all these reasons, the prayer for anticipatory bail of the petitioners must fail and is accordingly rejected.

(Mihir Kumar Jha, J)

Ranjan/-

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