

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.113 of 2015

Arising Out of PS.Case No. -166 Year- 2014 Thana -MUFFASIL District- AURANGABAD

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Ramdhar Chaudhary @ Ramadhar Chandrabanshi, Son of Late Haridawar Singh, Resident of Village-Ramnagar, P.S-Aurangabad(Muffasil)District-Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 03-06-2015 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Aurangabad (M) P.S. Case No.166 of 2014 registered under Sections 406 and 420/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Aurangabad.

The allegation is that in the year 2013-14, Indira Awas was sanctioned in the name of Upendra Paswan, son of Ramvilash Paswan of village Dhabul, Panchayat-Bela and an account bearing Account No.3874108001245 was opened in the name of Upendra Paswan in Canara Bank, Bela, from which Surendra Paswan, son of Ramvilash Paswan of village-Dhabaul, Panchayat-Bela,



affixing his photograph in place of Upendra Paswan withdrew the amount of first installment Rs.50,000/- from the bank. Later on, the said amount was deposited by Surendra Paswan in the Block Nazarat and it was found from perusal of Yojna Register that there is photograph of Surendra Paswan in place of Upendra Paswan having signature of Panchayat Secretary, Deo Prakhanda, and there is also involvement of Ward Member of Gram Panchayat-Bela in withdrawing the money by Surendra Paswan from the bank.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the Mukhiya of the concerned Gram Panchayat and he has no role to play in withdrawing the amount of first installment of Rs.50,000/- of Indira Awas by Surendra Paswan from the bank and the said amount has been deposited by Surendra Paswan in the Block Nazarat.

On the other hand, learned A.P.P. appearing on behalf of the State submits that in paragraph-15 of the case diary, it has come that the petitioner being the Mukhiya of the concerned Gram Panchayat identified the photograph of Surendra Paswan as Upendra Paswan.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly,

the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which shall be considered by the trial court on its own merit without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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