

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50956 of 2015

Arising Out of PS.Case No. -850 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

=====

Durganand Sah & Anr

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Md.Sufiyan (App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-11-2015

Heard learned counsel Shri Gagan Deo Yadav on behalf

of the petitioner and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with C.R. Case No. 850 of 2013 for offences alleged under sections 323, 379, 420, 406, 354(B), 504 of the Indian Penal Code against which cognizance has been taken under sections 323, 420, 34 of the Indian Penal Code on 02.12.2014.

The prosecution case in brief is that in the year 2012-2013 an Indira Awas was sanctioned in the name of the complainant and just after that both the petitioners came to the house of the complainant and told that they have taken steps for such sanction for which she has to pay the amount of office expenses of Rs. 5000/-. On 4.1.2012 she gave the said amount to petitioner No.2 Nirmala Devi who handed over the same to petitioner No.1 Durga Nand Sah. It is further alleged that in February 2012 Rs. 30,000/- of Indira Awas was credited in the bank account of the complainant. On 15.11.2012 she withdrew Rs. 15,000/- which was taken by



petitioner Durga Nand Sah assuming, that he would get constructed her house by better quality of the bricks, cement and sand and he brought two tractor bricks and told the complainant to also give the rest Rs. 15,000/- to him. The complainant then gave Rs. 15,000/- again to the petitioner No.1 Durga Nand Sah and both the petitioners misappropriated her total amount. When the complainant started telling them to construct the house they used to evade the same on one pretext or the other. Lastly, on 10.09.2013 the complainant along with her daughter went to the house of petitioner No.1 Durga Nand Sah and told him either to construct the house or to return the cash. On such a request he became angry and abused the complainant. In the meant time petitioner No.2 Nirmala Devi also arrived there and then both the petitioners assaulted her also by fists and slaps. It is further alleged that with bad intention petitioner No.1 Durga Nand Sah tore her blouse due to that she became half naked and when her daughter came to save her then both the petitioners assaulted her also and petitioner No.2 Nirmala Devi snatched silver chain from the neck of her daughter and lastly the petitioners refused to construct her house or to return her cash.

It has been submitted by the counsel for the petitioners that the petitioners have no criminal antecedent which find place in paragraph 3 of this petition and there is no specific allegation that the petitioners had taken money allotted to the informant under Indira Awas Yojna. He further submits that as per annexure-2 the informant had written a letter to the B.D.O. Lokahi on 8.9.2013 that she had already constructed the house till lintel level from the money which she received under the Indiar Awas Yojna and has prayed for further amount to be released which find place in annexure-2 of this petition by which it is evident that she got her house partly constructed,

as such the allegation against the petitioners is false and contradictory as the informant alleged in the complaint case that she had received Rs. 30000/- way back in February 2012 in her bank account.

Under such circumstances, let the above named petitioners in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand0 each with two sureties of like amount each to the satisfaction of Shri D.N. Mishra, learned J.M. Ist Class, Jhanjharpur, Madhubani in C.R. Case No. 850 of 2013, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Nilu Agrawal, J)

M.Rahman/-

U		T	
---	--	---	--