

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43108 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -MUFFASIL District- AURANGABAD

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Lalita Devi wife of Govind Ram, resident of Village Kushi, P.S.
Aurangabad, District Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 30-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Aurangabad (M)
P.S. Case No. 165 of 2014 dated 16.07.2014 instituted under
Sections 406/420 of the Indian Penal Code.

The allegation against the petitioner is that she had
already received the money under Indira Awas Yojana in the year
2002-03 but again after giving false affidavit had taken benefit for
the second time in the year 2013-14.

Learned counsel for the petitioner submits that she

being an uneducated lady had received the money without knowing the legal position that she was not entitled to get the same for the second time and that there was no criminal intention behind the same. It is submitted that the petitioner may be given opportunity to return the money.

Learned A.P.P. submits that the petitioner cannot plead ignorance as she has received money twice which is illegal.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on provisional bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Aurangabad (M) P.S. Case No. 165 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall thereafter deposit Rs. 50,000/- in the Government treasury and file the receipt showing such deposit before the court below latest by 15th July, 2015. Upon filing of the said receipt, the bail granted to the petitioner shall be confirmed. In the event no such affidavit is filed, the provisional bail granted to the petitioner shall stand cancelled and she shall be taken into custody.

The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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