

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20532 of 2015

Arising Out of PS.Case No. -312 Year- 2013 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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Ganga Prasad Choudhary S/o Late Satya Narain Choudhary, R/o village-
Dorma, P.S.- Bihra, District- Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Zainul Abedin (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Bakhtiyarpur P.S.case no.312 of 2013 instituted under Sections 409, 420 and 120B/34 of the Indian Penal Code.

The case in short is that the complainant asked Panchayat Sachiv pertaining to allotment of Indira Awas whereupon he replied that he had already been allotted Indira Awas in the year 2010-11 and the first installment was sanctioned and withdrawn from Sonepura Bank. The complainant went to the Block Office and came to know that Panchayat Sachiv had correctly informed her. The complainant went to Bank of India Sonepura Branch and came to know A/C No. 447310510003159 the photograph of accused Priti Devi was pasted and she along

with her husband Tribhuwan Yadav had wrongfully withdrawn the amount. The complainant filed a petition to the Branch Manager who on enquiry found that accused Priti Devi's photograph was pasted. Then she filed petition before the B.D.O. that she has never filed petition for Indira Awas on earlier occasion nor she had received the amount.

It has been submitted on behalf of the petitioner that the petitioner is a Panchayat Sachiv. It has further been submitted that the petitioner has been made accused due to mistake of fact. In fact the petitioner has played no role. It is also submitted that the petitioner is not named in the FIR. On behalf of the petitioner it has been submitted that the petitioner is ready to deposit an amount of Rs. 15,000/- (fifteen thousand) in the court below, which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the name of the petitioner has come in course of investigation.

Considering the aforesaid facts, the petitioner is directed to deposit an amount of Rs. 15,000/- (fifteen thousand) in the court below, which shall be subject to final disposal of the case and on doing so the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-

(ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M.,Saharsa in connection with Bakhtiyarpur P.S.Case No. 312 of 2013, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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