

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38892 of 2015

Arising Out of PS.Case No. -188 Year- 2013 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

1. Shail Devi W/o Rup Narayan Singh Resident of Village Balua Barwa
Tola, P.S. Paharpur, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pathak Dhananjay Kumar

For the Opposite Party/s : Mr. L.K.Sharma(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-09-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in Pahar pur
P.S.Case No. 188/2013 registered for offences punishable under
Sections 420, 409, 467, 468, 471 and 120 (B) of the Indian Penal
Code.

The prosecution case as per the F.I.R. lodged by one Amar
Mahto, Ex-Sarpanch, son of late Mahadeo Mahto on 07.08.2013 at
9.00 A. M. is that in the financial year of 2011-12 in his panchayat
some middle men namely, Shiv Chandra Ram, Bachan Das,
Mumtaj Miayan and Surendra Prasad with conspiracy have made
forged certificates of handicapped person and on that quota, they



have taken first installment of money of Indira Awas in the name of such persons, who are not handicapped. The informant thereafter has furnished the name of beneficiaries of Indira Awas. The name of beneficiaries is Hari Das, Madhu Devi, Kalawati Devi, Bharat das, Parmanand Sah, the petitioner (Shail Devi), and Narad Mishra.

It has further been alleged that the above beneficiaries are not handicapped but with connivance of officials and middlemen, the government money is being misappropriated after preparing the forged certificates and getting Rs. 10,000/- and Rs. 15,000/-, resultantly the real handicapped persons were being deprived.

It has been submitted by the learned counsel for the petitioner that she is a bonafide beneficiary but she has been falsely implicated. As per claim of Indira Awas, she has not applied under the category of handicapped quota rather her application was under BPL category.

It has further been contended that similarly situated beneficiary, namely, Madhu Devi has also been granted privilege of anticipatory bail in Cr. Misc. No. 24840 of 2014. I do not propose to take a different view.

Under such circumstances, in case of arrest or

surrender within a period of four weeks before the Court below, the above named petitioner, will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 188/2013, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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