

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36628 of 2015

Arising Out of PS.Case No. -174 Year- 2015 Thana -BARACHATTI District- GAYA

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Shambhu Yadav, Son of Mohan Yadav, Resident of Village - Jagodih, P.S.
Barachatti, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate.

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 09-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case under Sections 409, 384, 467, 468, 471, 34 of the Indian Penal Code and Section 3(I)(X) of the SC/ST Act.

The informant, Block Development Officer, Barachatti, Gaya, made allegation and alleged that on the recommendation of Block Pramukh, her husband Shambhu Yadav (the petitioner) took money for construction of Anganbadi building. It is alleged that the clerk, who processed the file, has also stated that the petitioner and Jagdish Yadav threatened him to process the file and on the recommendation of the Block Pramukh, the cheque was issued in favour of the agent but the petitioner and his wife withdrew the money. It is submitted that the money has

already been returned. The order of construction was withdrawn. The wife of the petitioner has already been granted anticipatory bail vide order passed in Cr. Misc. No. 29068/2015. The case of the petitioner is on better footing, but from perusal of the record, it appears that there is an allegation that the petitioner is a henchman and taking advantage of his wife, who happens to be the Block Pramukh, got the file processed and the cheque was taken from the executing agent. Of course, the money is returned and the order of construction was withdrawn but the petitioner has got criminal antecedent.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Barachatti P.S. Case No. 174 of 2015. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender in the court below and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order and taking into consideration that co-accused Jagdish Yadav has been granted regular bail.

(Prabhat Kumar Jha, J)

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