

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12959 of 2016

Arising Out of PS.Case No. -126 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ranjana Devi Wife of Nitesh Paswan
 2. Nitesh Paswan Son of Ramanand Paswan
 3. Shri Devi @ Shripati Devi Wife of Ramanand Paswan
 4. Ramanand Paswan Son of Late Sheobaran Paswan All are resident of village - North Madhubani, P.S. Sangrampur, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Dr. Kr.Uday Pratap(App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 11-04-2016 Heard counsel for the petitioners, Mr. Krishna Kant Singh for the informant and the State.

Apprehending their arrest in connection with Sangrampur P.S. case no. 126 of 2015, registered under Sections 419,420,465,468,471/34 of the Indian Penal Code the petitioners have prayed for grant of anticipatory bail.

In substance, the allegation is that the petitioner no.1 disclosing the land of the informant as her own land applied for grant of Indira Awas Yojana. The first instalment was paid whereafter it was detected that fraudulently the land of the informant was incorporated in the application for grant of benefit

under the Indira Awas Yojana. When the informant went to question the petitioner no.1 the other petitioners got infuriated .

Contention of the petitioners is that actually no instalment was paid. He relies in this regard on Annexure-3 which is the order of the Block Development officer. On the contrary, the counsel for the informant, referring to the impugned order, has submitted that first instalment was received by her. Subsequently the State cancelled the proposal and the further amount was not paid to her. Counsel for the petitioners has disputed the first instalment of the amount to the petitioner no.1, In my view the petitioner no.1 should appear in the Court below and apply for regular bail claiming that the 1st instalment was not received by her and the same shall be considered and disposed of by the Court below in accordance with law.

In so far petitioner nos. 2 to 4, namely, Nitesh Paswan, Shri Devi @ Shripati Devi , and Ramanand Paswan respectively this Court is inclined to enlarge them on anticipatory bail. Let the petitioner Nos. 2 to 4, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M.

Motihari, East Champaran in connection with Sangrampur P.S.
case no. 126 of 2015, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner(s).
- (ii) As soon as the charges are framed the petitioner(s) shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner(s) and secure their arrest in accordance with law

(Kishore Kumar Mandal, J)

Shyam/-

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