

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13414 of 2016

Arising Out of PS.Case No. -94 Year- 2011 Thana -SANDESH District- BHOJPUR

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1. Meera Devi wife of Mohan Kumar Ram
 2. Rekha Devi wife of Satya Prasad Rajak
 3. Chandrawati Devi wife of Raja Ram Rajak
 4. Meera Devi wife of Sikandar Ram
 5. Kalawati Devi wife of Sheo Prasad Ram, All residents of Village - Phulari, P.S. - Sandesh, District - Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
Mr. Abhiprav Singh

For the Opposite Party/s : Mr. Manoj Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-04-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 420, 467 and 468 of the Indian Penal Code.

As per the prosecution case, the petitioners have illegally received the benefits of Indira Awas Yojna.

The learned counsel appearing on behalf of the petitioners submits that all these petitioners are ladies and they all are BPL card-holders and the prosecution case has been lodged without getting proper inquiry conducted. It is also contended that there was no mens rea for committing the crime in question.

Taking into consideration the fact that the petitioners are ladies and they are said to be the first offenders and also taking into consideration the fact that the police have failed to apprehend them for more than four years, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Sandesh P.S. Case No. 94 of 2011, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his relationship with the petitioners,
- (B). if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and
- (C). the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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