

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50857 of 2015

Arising out of PS.Case No. -36 Year- 2015 Thana -SC/ST District- ARRARIA

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1. Smt. Rumi Parween @ Rumi Anjum W/o- Mosawwir @ Mosawwir Alam
 2. Mosawwir @ Mosawwir Alam S/o- Tajammul Hussain, Both resident of village- Chakardah, Hayatpur, P.S.- Araria R.S., District- Araria

.... Petitioners

Versus

1. The State of Bihar.
2. Ganesh Kumar Chaudhary S/o- Late Laxmi Chaudhary, resident of village- Rajokhar, P.S. Araria R.S., District- Araria

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Md. Naushad Uzzoha, Advocate.
For the State : Mr. Ambika Bhagat(Spl .A P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-02-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Araria(SC/ST) P.S. Case No. 36 of 2015 for the offences instituted under Sections 341, 323, 406, 409, 420 of the IPC and 3(1)(x), 4(1)(4) of the SC/ST (Prevention of Atrocities) Act).

The prosecution story, in brief, is that the petitioner no. 1 is the wife of petitioner no. 2. It is alleged that the petitioner no. 1 Rumi Paswan a member of Panchayat Samiti told the informant that the money under the scheme of *Indira Awas* was sanctioned in



his name. The petitioner no. 2 Mosawwir took Rs. 1500/- from the informant and also obtained his signatures on a cheque and an application. The petitioner no. 2 Mosawwir on 24.06.2014 told that the money had come in the account of the informant. Thereafter the informant went to the bank and made withdrawal of Rs. 49,000/-. After the pass-book was updated, he came to know that Md. Mosawwir had withdrawn Rs. 49,000/- on 12.02.2014. When the informant in this regard made complaint to Md. Mosawwir and demanded his money, he abused the informant saying 'Sala Pashi' and drove him away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Petitioner no. 1 is the Panchayat Samiti Member and the petitioner no. 2 is the husband of petitioner no. 1. There is no defalcation made of public money by the petitioners. Petitioners have been made accused in the present case due to mistake of fact. Subsequently, the matter has been settled between the parties which is evident from Annexure-2 to the present application. A petition has been filed in the court below by the informant stating that now he does not want to pursue the case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Araria(SC/ST) P.S. Case No. 36/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)