

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58422 of 2015

Arising Out of PS.Case No. -263 Year- 2005 Thana -MADHEPURA District- MADHEPURA

Narayan Yadav, Son of Kamleshwari Yadav, R/o Village-Khopaiti, P.S. Madhepura, District- Madhepura, the then Mukhiya of Gram Panchayat Tuniyahi, Khopaiti, P.S. Madhepura, District-Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.1(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 22-01-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No.263 of 2005 corresponding to G.R. No.996/2005 for allegedly having committed the offence under Sections 406, 420 and 467/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is an allegation against the petitioner that he had taken ₹23,000/-(Twenty three thousand) from the complainant/recipient of Indira Awas Scheme. It is further submitted that it is alleged that the petitioner as Mukhiya duped the complainant-Mira Devi and obtained her thumb impression

for supply of bricks. It is further alleged in the F.I.R. that the petitioner took ₹23,000/- (Twenty three thousand) from the complainant, but did not return the same.

The case of the petitioner is that for the money he had taken, he had already supplied bricks and still he is willing to deposit ₹23,000/- (Twenty three thousand) with the complainant-beneficiary of the Indira Awas Scheme, namely, Mira Devi. The said money may be paid to her by the petitioner within a period of two weeks from today.

In case the complainant-Mira Devi receives the aforementioned amount of ₹23,000/- (Twenty three thousand) from the petitioner within a period of two weeks from today and files an affidavit in the court below to the effect that she has received the aforementioned amount, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks thereafter, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Avinash Sharma, learned Judicial Magistrate, 1st Class, Madhepura, in connection with Madhepura P.S. Case No.263 of 2005 corresponding to G.R. No.996/2005, subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure.

It is made clear that the present order extending the benefit of anticipatory bail is being granted only subject to the condition that the petitioner shall pay to the complainant the amount of ₹23,000/- (Twenty three thousand), as alleged in the F.I.R.

In case the complainant refuses to accept the amount, the petitioner shall submit the aforementioned amount in the court below, which shall be released in favour of the complainant when she so approaches the court.

(Anjana Mishra, J)

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