

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36937 of 2017**

Arising Out of PS.Case No. -117 Year- 2016 Thana -SHANKARPUR District- MADHEPURA

- =====
1. Nunu Lal Sharma, son of Maheshwari Sharma,
  2. Umesh Sharma, son of Maheshwari Sharma,
  3. Bechan Sah, son of Sukan Sah,
  4. Ramesh Paswan, son of Narayan Paswan,
  5. Mahendra Yadav, son of Chakradhar Yadav,
  6. Masomat Pavitra Devi, wife of Late Jhameli Paswan, all resident of village- Jirba, Ward No. 2, Police Station- Shankarpur, District- Madhepura.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Reebha Kumari, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 06-10-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in Shankarpur P.S.

Case No.117 of 2016 instituted for the offence under Section(s)

406, 419, 420 Indian Penal Code.

There is allegation against these petitioners that they received the amount under *Indira Awas Yojna* for construction of house(s) but did not complete the same.

Learned counsel for the petitioners has submitted that they had completed their house(s) after receiving the amount, but in Road Encroachment Case No.03 of 2015, some portion of constructed house(s) of the petitioners was demolished and, therefore, it appeared to be incomplete. It is further submitted



that they have submitted photographs showing construction of house(s) under *Indira Awas Yojna* and thereafter demolition had taken place.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Shankarpur P.S. Case No.117 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Madhepura**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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