

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2796 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -MADHEPUR District- MADHUBANI

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1. Binay Kumar Jha, Son of late Deo Narayan Jha, Resident of Village &
P.O. Madhepur, Police Station: Madhepur, District Madhubani.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prafull Chandra Jha, Advocate

For the Opposite Party : Mr. Akhileshwar Dayal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Madhepur P.S. Case No. 43 of 2016 (G.R. No. 1132 of
2016), registered for the offences punishable under Sections 406,
409, 420, 467, 468 and 120(B) of the Indian Penal Code.

Allegedly, under Indira Awas Scheme after
committing irregularities and illegalities in collusion and
conspiracy the accused persons have misappropriated the
government amount and list for Indira Awas Scheme has been
ignored and as per choice Indira Awas has been allowed, some
persons have been allotted Indira Awas for more than one and the
P.N.B. Madhepur, after opening the account legally the amount



has been paid several times.

Submission is of false implication and that on the basis of advice slip issued by Block Office account is being opened in the bank. The petitioner being the then Bank Manager has got limited role. From bare perusal the duty sheet of Madhepur Branch from December 2014 to January 2015 it will be crystal clear that Sri D.N. Prasad had been assigned specially for account opening and after opening the account of beneficiaries of Indira Awas it was verified by the then Manager Sri R.K. Singh. Strict direction was issued to all the staffs of the bank regarding opening of account of beneficiaries of Indira Awas, it was directed that without recommendation no account will be opened by the bank so far allegation of account opening of beneficiaries twice, it is only done by the concerned B.D.O. and office staff concerned of the Block and not the bank and, as such, for the same the concerned B.D.O. and staff concerned are responsible and not the petitioner. From perusal of para 16 of the case diary, it reveals that as to how benefit is being given under Indira Awas scheme. Md. Nizamuddin Block Staff has specifically stated the procedure in that para and, as such, the petitioner deserves sympathetic consideration. The petitioner has already retired from his service and without any fault he is being harassed in this case.



The learned A.P.P. after going through the case diary in para 16, fairly submits that on the basis of advice issued by Block Office the account is being opened in the bank for the beneficiary of Indira Awas Scheme.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, in connection with Madhepur P.S. Case No. 43 of 2016 (G.R. No. 1132 of 2016), subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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