

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51186 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -DAGARUA District- PURNIA

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Md. Nadeemul Ghaffar Siddiqui @ Md. Nadeemul Ghaffar Sidiquei, Son
of Md. Siddiqui Hussain, Resident of Village- Benibari, P.S. Balia, Belon
(Kadwa), District- Katihar.

.... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Dagarwa P.S. Case No. 136 of 2017 registered under
Sections 406 and 420 read with 34 of the Indian Penal Code.

It is stated by the learned counsel for the petitioner
that so far as the petitioner is concerned, the allegation against
him is that five persons were given benefit of Indira Awas Yojna
of Rs. 35,000/- each on the basis of a false report, which caused
a loss of Rs. 1,75,000/- in total during the period 2008-2009 and



2009-2010. It is submitted by the learned counsel for the petitioner that pursuant to the report submitted by the Mukhiya, Panchayat Sachiv, Up-mukhiya and Block Welfare Officer to the petitioner, who at the relevant time was the Block Development Officer of Dagarwa block, the petitioner sanctioned the money to the beneficiaries of the Indira Awas Yojna as per rules through the RTGS directly in the bank account of the concerned beneficiaries. She submitted that the petitioner is presently Sub-divisional Magistrate at Supaul and being a responsible public servant, he is not likely to abscond or tamper with the evidence.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner. He submitted that the first information report has been instituted pursuant to the direction issued by the Lokayukta office and the petitioner being the sanctioning authority is liable for providing benefits of Indira Awas Yojna to five persons on the basis of false report.

Having regard to the submissions made on behalf of the parties and the fact that the petitioner has got roots in the society, in the event of arrest or surrender in the court below



within six weeks from today, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Purnea in connection with Dagarwa P.S. Case No. 136 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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