

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20388 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -GOGRI District- KHAGARIA

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1. Krishna Nand Yadav @ Krishna Nand Yadav (Mukhiya) Son of Kailash Yadav, Resident of Village- Rampur, Police Station- Gogri, District- Khagaria. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 08-06-2017

Heard learned counsel for the petitioner and State.

Counsel for the petitioner is permitted to make necessary correction in prayer portion at page 7 of the petition.

Petitioner is apprehending his arrest in connection with Gogri PS case no. 40 of 2017 registered for the offences punishable under Sections 409, 420, 467, 468, 471 of Indian Penal Code.

Informant is the *Anchal Adhikari* of Gogri *Anchal* (Khagaria). FIR was lodged against 23 persons for irregularity in preparation of the list of beneficiaries of 2016 flood.

Submission on behalf of the petitioner is that petitioner is the Mukhia of Rampur *Gram Panchayat* and he has presided over the meeting of he Panchayat Anushrawan Samiti. The *Samiti* prepared the list of the beneficiaries and scrutinized at



different level including that of Circle Officer. In para 10 of the petition, the petitioner has stated that those who were declared ineligible, they have returned the amount. Since it was the case of mistake committed by the Committee comprising of large number of persons including the petitioner, hence, liability could not be fix only upon the petitioner for error in decision making process.

Having regard to the fact that as per para 3 of the petition, petitioner has no criminal antecedent and the list of the beneficiaries was prepared not by the petitioner but the same was prepared by the committee of which, petitioner was one of the member, I am inclined to release 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, on bail on his furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, Judicial Magistrate 1st class, Khagaria or successor Court in Gogri PS case no. 40 of 2017 subject to the conditions enumerated under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Upadhyay, J.)

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