

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16319 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -NIMCHAK District- GAYA

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1. Santosh Kumar Son of Shri Shambhu Prasad, Resident of Village- Sarsu, P.S.- Atari, District- Gaya. At present Indira Awas Assistant, Maniyara Panchayat, Prakhand- Nimchak, Bathani, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 07-07-2017 Heard both sides.

The petitioner apprehends his arrest in Nimchak P.S. case No. 07 of 2017 under Section 224, 323, 353 of the Indian Penal Code.

One Vijay Singh, relative of Bindi Devi, beneficiary of Indira Awas Yojna, complained that petitioner, Santosh Kumar, demanded Rs. 7,000/- as gratification, a raiding team was constituted under the guidance of Md. Jamiruddin, the informant. At 11.15 A.M. the petitioner received Rs. 7,000/- from the complainant and when the informant and others reached near the petitioner the petitioner pushed them and fled away.

The learned counsel for the petitioner submits that



petitioner is an Assistant under Indira Awas working on contract. No money was recovered from the possession of the petitioner. The Block Development Officer in paragraph 17 of the case diary has categorically stated that first installment was not released in favour of the complainant and, therefore, there was no question of releasing second installment but from perusal of the case diary, it appears that the Dy. S.P., Vigilance, went to trap the petitioner. The petitioner received money from the complainant and when he was caught he pushed the constables and fled away. Almost all the witnesses have stated the facts.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below the learned court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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