

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6838 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -KIHIRI MORE District- PATNA

1. Umesh Sharma, son of Shiv Pujan Sharma, resident of Village Dahia, P.S. Khirimore, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

WITH

Criminal Miscellaneous No.9206 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -KIHIRI MORE District- PATNA

1. Narayan Kumar Son of Bachu Singh resident of village - Mahuari, P.S. Paliganj, District - Patna
2. Chandan Kumar Son of Sheo Prasad Sharma, resident of village - Mahuari, P.S. Paliganj, District - Patna
3. Sheo Uday Sharma Son of Kailash Singh, resident of village - Mahuari, P.S. Paliganj, District - Patna
4. Bimal Kumar Roshan Son of Sakaldeo Yadav resident of village - Mahuari, P.S. Paliganj, District - Patna
5. Ganesh Kumar Son of Lakhan Koeri resident of village - Dahia, P.S. Paliganj, District - Patna
6. Ram Uday Sharma Son of Kailash Singh resident of village - Mahuari, P.S. Paliganj, District - Patna
7. Kaushlendra Kumar Sharma Son of Ram Bihari Sharma resident of village - Dahia, P.S. Paliganj, District - Patna
8. Abhay Kumar Singh Son of Sheopujan Singh resident of village - Dahia, P.S. Paliganj, District - Patna
9. Bhushan Prasad Singh Son of Krishn Balam Prasad Singh resident of village - Dahia, P.S. Paliganj, District - Patna
10. Srikant Son of Late Gurucharan Singh resident of village - Dahia, P.S. Paliganj, District - Patna
11. Kavita Devi Wife of Mantosh Kumar resident of village - Dahia, P.S. Paliganj, District - Patna
12. Rajan Kumar Son of Basukinath Singh resident of village - Dahia, P.S. Paliganj, District - Patna
13. Nirmala Devi Wife of Arbind Kumar resident of village - Dahia, P.S. Paliganj, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :



(In Cr.Misc. No.6838 of 2016)

For the Petitioner/s : Mr. Rama Kant Sharma, Advocate
Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(APP)
(In Cr.Misc. No.9206 of 2016)

For the Petitioner/s : Mr. Rama Kant Sharma, Advocate
Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. S.N.Shukla (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-03-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406/409/420/465/467/468/477A/34 of the Indian Penal Code.

Petitioner Umesh Sharma was secretary of PACS. Allegation is that co-accused, who claims to be the farmers produced forged documents of land possession certificates to get benefit of subsidy in the matter of sale of paddy and tot it.

Submission of the petitioner is that an enquiry was conducted by DCLR vide report at Annexure-16, which would reveal that in respect of some of the farmers the receipt was found genuine either as owner or Bataidar and in respect of other farmers, who claims to be the Bataidar of the land, the receipt was found not genuine. Authorities are at liberty to recover the subsidy amount from the person, who had received the subsidy without proper land ownership document. However, no case of forgery is



prima facie established.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna/Successor Court in connection with Khirimore Police Station Case No.21 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Mkr./-

(Birendra Kumar, J)

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