

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27677 of 2017

Arising Out of PS.Case No. -6 Year- 2016 Thana -MADHEPUR District- MADHUBANI

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Binay Kumar Jha, son of Late Deo Narayan Jha, Resident of Village &
P.O. Madhepur, Police Station: Madhepur, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 19-08-2017 Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Madhepur P.S. Case No.06 of 2016/G.R. No.119 of 2016
registered under Sections 467, 468, 409 and 406/34 of the Indian
Penal Code.

The accusation is that the name of the
complainant/informant Brahmdeo Mishra was inserted in the
B.P.L. List of Madhepur Purvi Panchayat under Madhepur Block.
Thereafter, the name of his wife Phulo Devi was inserted in the
list, prepared for the beneficiary under Indira Awas Anudan Yojna
and the same was sent on 07.11.2014 to the State Bank of India,



Branch-Madhepur, District-Madhubani and, accordingly, Account No.34304275458 was opened in the name of Phulo Devi, the wife of the complainant/informant. On two different dates, Rs.34,000/- was deposited in the account of Phulo Devi, the wife of the complainant/informant. On 06.08.2015, the complainant/informant came to know through the Indira Awas Assistant of Gram Panchayat, Madhepur Purvi, that earlier the name of his wife Phulo Devi was inserted as a beneficiary under the scheme of Indira Awas Anudan Yojna in the year 2013-14 and on opening the fake account in the name of his wife by putting her forged signature, Rs.50,000/- had been deposited, which was withdrawn on 09.12.2014 in which Basant Sah, Mukhiya, Bhuneshwar Yadav, Panchayat Secretary, Jitendra Mishra, Ward Member, of Gram Panchyat-Madhepur Purvi, and the petitioner being the Branch Manager of the Panjab National Bank, Branch-Madhepur, District-Madhubani, were indulged.

Learned counsel for the petitioner submits that, in fact, the petitioner was the Senior Branch Manager at the Punjab National Bank, Branch-Madhepur, District-Madhubani and he retired from such post on 31.01.2016 and the duty of opening the account was entrusted to other Bank officials and the petitioner being the Senior Branch Manager had no concern in opening the



bank account. Further submission is that it would appear from paragraph-78 of the case diary that the amount, which is alleged to be withdrawn on opening the fake account in the name of Phulo Devi, the wife of the complainant-informant, has been deposited by the co-accused Basant Sah, Mukhiya of the Gram Panchayat-Madhepur Purvi on 30.10.2015 in the account of Phulo Devi, the wife of the complainant/informant.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Jhanjharpur, District-Madhubani, in connection with Madhepur P.S. Case No.06 of 2016/G.R. No.119 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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