

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.736 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -MADHEPUR District- MADHUBANI

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Amrendra Kumar Son of Tetar Mochi resident of Mohalla- Sundarpur,
Ward No-02, P.S.- L.M.U. District- Darbhanga, At Present Posted as Block
Development Officer , Kesaria, at Kesaria Block , East Champaran,Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

Mr. Amarendra Kumar, Advocate

For the Opposite Party/s : Mr. A.M. Mehta, A.P.P.

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

ORAL ORDER

3 24-04-2017 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. 43 of 2016 registered under
Sections 406, 409, 420, 467, 468 and 120B of the Indian Penal
Code.

The accusation is that the petitioner being the Block
Development Officer, Madhepur within the district-Madhubani in
collusion with the other officials of the Block committed illegality
and irregularity in providing the benefit of Indira Awas Yojana.

Learned counsel appearing on behalf of the
petitioner submits that in fact the list of the beneficiaries is
prepared by the Assistant of Indira Awas Yojana which was being
verified by the concerned Panchayat Secretary and thereafter the



matter was placed before the Block Development Officer. As such, the petitioner being the B.D.O. only endorsed the list as prepared by the Assistant and verified by the Panchayat Secretary and after knowing about the illegality by the Assistant and Panchayat Secretary. In enquiry the Assistant Indira Awas Yojana was found guilty in committing the illegality. As such, the petitioner is not responsible for the illegality and irregularity as committed in providing the benefit of Indira Awas Yojana. Further submission is that this fact has also come in the statement of Md. Nimamuddin as detailed in paragraph-16 of the case diary. It is submitted that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Amrendra Kumar be released on bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Madhepura P.S. Case No. 43 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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