

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44759 of 2018

Arising Out of PS.Case No. -111 Year- 2018 Thana -PARWATTA District- KHAGARIA

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Nabin Kumar Choudhary, S/o Late Gita Choudhary, R/o Vill.- Naya Gaon,
Shiromani Tola, Zorawarpur, P.S.- parbatta, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate.

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Parbatta P.S.**

Case No. 111 of 2018 instituted for the offence under Sections
467, 468 and 420 of the Indian Penal Code.

Counsel for the petitioner has submitted that he has made claim for grant of Indra Awas under Indira Awas Yojana for the land appertaining to Khesra No. 325 and 326 which stands in the name of petitioner, over which, hut of the petitioner was standing. The petitioner has constructed Pucca house after release of money under Pradhan Mantri Awas Yojana scheme which was inspected by Sarpanch. Sarpanch of the village found the construction over the land in question. It has further been submitted that only member of BPL is entitled to get the benefit of



Pradhan Mantri Awas Yojna scheme. The name of petitioner find mentioned at serial No. 71 of BPL list of village Zorawarpur, Distt. Khagaria. Mukhiya and Sarpanch have recommended for such benefit. This case has been filed due to confusion on the basis of constructed house of father of petitioner over Khesra No. 1525 which is the land of Bihar Government, whereas the land over which the petitioner has constructed house is his purchased land through registered sale deed.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Parbatta P.S. Case No. 111 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate, Khagaria**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his



bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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