

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52436 of 2018

Arising Out of PS.Case No. -433 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

=====

Raj Kumar Prasad @ Raj Kumar, Son of Harihar Prasad, Resident of
Village- Banuchhaar, Police Station- Bettiah Muffasil (Banuchhapar O.P.),
District- West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Sanjay Kumar No.-7, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 406, 409, 420, 467, 468, 471
and 120(B) of the IPC.

The prosecution story, in brief, is that the informant
District Agriculture Officer, West Champaran, Bettiah, has stated
that under the direction of Bihar Government, an Agricultural
Mechanization Fair was organized from 3-4 January, 2014 to 21-
22 February, 2014 for implementation of agricultural
mechanization and in the said fair, agricultural machines were
purchased by beneficiaries in which Tractor was also included.



The petitioner presented forged bill of the Tractor in collusion with the proprietor of 'Shiva Escorts', Narkatiaganj, and took payment of subsidy through account payee cheque. On verification, the purchased receipt of Tractor produced by the petitioner was found to be forged and he alongwith other beneficiaries was directed to return the subsidy amount but no head was paid by the petitioner, In this way, petitioner and co-accused fraudulently and dishonestly withdrew the subsidy amount on the basis of forged purchase receipt of Tractor of the Agricultural Mechanization Scheme of Bihar Government.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. It is further submitted that the petitioner is ready to deposit an amount of Rs. 25,000/- (Rupees Twenty Five Thousand Only) in the court below which may be subject to final disposal of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the submission made on behalf of the petitioner, the petitioner is directed to deposit an amount of Rs.



25,000/- (Rupees Twenty Five Thousand Only) in the court below which shall be subject to final disposal of the case. On doing so, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 433 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

