

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37862 of 2018

Arising Out of PS.Case No. -501 Year- 2017 Thana -SHERGHATI District- GAYA

=====

1. Munna Kumar, S/o Naresh Singh, R/o Village- Bija, P.S.- Dobhi,
District- Gaya, at present Mukhiya of Gram Panchayat Kusha Bija
under Dobhi Block in District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 30-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Sherghati (Dobhi) P.S. Case No.501 of 2017** instituted for the offence under Section(s) 409 and 420 Indian Penal Code.

Counsel for the petitioner submits that after lodging of this case, all the thirteen beneficiaries of Panchayat have voluntarily stated before the police and also filed joint petition before the Court below supported with individual Affidavit stating therein the real facts and innocence of the petitioner.

Counsel for the petitioner further submits that instant case has been filed at the instance of Ex-Mukhiya, Putul Devi, and her husband, who had committed forgery of Rs.6,49,000/- last year from the fund of the Panchayat and after



Panchayat election, this petitioner being Mukhiya had complained about the matter to the District Magistrate, Gaya. Thereafter, First Information Report was instituted vide Sherghati P.S. Case No.287 of 2017 against the Ex-Mukhiya.

In the instant case, it is alleged that this petitioner, who is present Mukhiya, along with Operator of PNB Customer Service Centre, Barachatti, has withdrawn Rs.55,000/- each from the account of thirteen beneficiaries of Indira Awas Yojna, totaling Rs.7,15,000/- fraudulently allotted to them.

It appears that all the thirteen beneficiaries have submitted petition in the Court below stating that they have themselves withdrawn the money from the bank individually and the petitioner has not received any amount from the Bank.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Sherghati (Dobhi) P.S. Case No.501 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 the **Additional Chief Judicial Magistrate, Sherghati, Gaya**, 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.

JA/-

(Sanjay Priya, J)

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

