

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54699 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -DAGARUA District- PURNIA

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1. Navin Chandra Jha, S/o Sri Subh Chandra Jha, Resident of Village-
Babhani, P.S.:- Dagarwa, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Dagarwa P.S. Case No.
136/2017 (GR No. 2961/17) instituted for the offence under Sections-
406, 420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that instant FIR
has been lodged on the direction issued by the Lokayukta Office.
B.D.O., namely, Md. Nadeemul Gaffar Siddiqui has already been
granted anticipatory bail by another co-ordinate Bench of this Court on
17.11.2017 passed in Cri. Misc. No. 51186 of 2017. Counsel for the
petitioner has pointed out annexure-2 to this petition which shows that
money has been received by the beneficiaries and there is no
defalcation on the part of the petitioner. From enclosure of the F.I.R. it
would appear that during enquiry by the present B.D.O. it was found
that eight persons of Mahadalit communities were allotted Indira Awas



in the financial year 2003-2004 and 2008- 2009 and in stead of constructing the residence on respective land they constructed the same upon the Government land. One Bal Krishna Jha got initiated Encroachment Case No. 123 of 2013 before the Collector, Purnea who vide his order dated 04.04.2015 found the possession of those eight persons over the government land but considering their social, educational and economical status had directed to settle fit land for residence to them before evicting them from government land. Counsel for the petitioner submits that beneficiaries, who have constructed Indira Awas on government land due to wrong description of land, were not made an accused but the proceeding has been initiated against the petitioner who has nothing to do with the money which has already been given to the beneficiaries of Indira Awas. It appears that there is no allegation of defalcation of money against the petitioner which is apparent from the report enclosed in the F.I.R. as well as chart which is kept as annexure-2.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Dagarwa P.S. Case No. 136 of 2017 (GR No. 2961 of 2017) to the satisfaction of learned Additional Chief Judicial Magistrate, II, Purnea subject to condition as laid down



u/S 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner 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.

(Sanjay Priya, J)

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