

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20459 of 2018

Arising Out of PS. Case No.-149 Year-2015 Thana- JANKINAGAR District- Purnia

Shambhu Yadav S/o Satya Narayan Yadav, R/o Village- Naulakhi, P.S.- Janki
Nagar, District- Purnea ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP188

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Janki Nagar P.S. Case No. 149 of 2015 for offences punishable under Sections 406, 409, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The prosecution case as per the written report, dated 22.12.2015, at 01.00 P.M. of the Block Development Officer, Banmankhi, Purnea, submitted to the Station House Officer, Janki Nagar Police Station, Purnea, to the effect that the then Panchayat Secretary, Awadhesh Singh, of Naulakhi Gram Panchayat disbursed the amount under the Indira Awas Scheme to non-entitled persons belonging to above poverty line and the petitioner was one of them.



It is submitted by the learned counsel for the petitioner that the thrust of accusation is against Awadhesh Singh, the Panchayat Secretary, however, the petitioner never received the amount. The photograph of the petitioner has been pasted on the document with regard to grant of benefit of Indira Awas Scheme, which does not bear his signature. However, the co-accused persons who are beneficiaries in the said Scheme like Vijay Kumar Sahay, Navita Devi and Sanjay Yadav, who have been granted anticipatory bail by coordinate Benches of this Court vide order, dated 14.02.2017, passed in Cr. Misc. No. 6904 of 2017, and order, dated 11.04.2017, passed in Cr. Misc. No. 15828 of 2017. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by the learned Additional Public Prosecutor that it is a fit case in which petitioner should not be granted anticipatory bail as the petitioner was not entitled to receive the benefit under the Scheme and the name of the petitioner as a beneficiary sprang up during enquiry.

Considering the fact that thrust of accusation is against the then Panchayat Secretary and the similarly situated accused persons have been granted anticipatory bail, coupled with the fact that the petitioner is not having criminal antecedent



prayer of the petitioner for grant of anticipatory bail is allowed, in the event of surrender/arrest of the petitioner, named above, before the Court below, within four weeks from today in connection with Janki Nagar P.S. Case No. 149 of 2015. 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 Judicial Magistrate, 1st Class, Purnia, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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