

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42474 of 2017

Arising Out of PS.Case No. -402 Year- 2017 Thana -JAHANABAD District- JEHANABAD

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1. Rupesh Singh @ Rupesh Kumar, Son of Sri Jai Shree Prasad, Resident of Mohalla- Vijay Nagar, Rukanpura, Police Station- Rupaspur in the district of Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 09-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Jehanabad P.S.

Case No. 402 of 2017 instituted for the offence under Sections 420,409 of the IPC and Section 66 of I.T. Act.

It is alleged in the written report filed by the Block Development Officer that money under Pradhan Mantri Awas Yojana is transferred directly in the account of the beneficiaries under the Pradhan Mantri Awas Yojana through Digital Signature of the informant and her Account Assistant namely Abhishek Kumar. The informant has alleged that when process was started to transfer Rs. 23,65,000/- in the account of the beneficiaries under Pradhan Mantri Awas Yojana, on 24.06.2017, at 1.00 pm, it appeared that those amount has already been transferred. It is



alleged that the petitioner who was the MIS Officer, Jehanabad, has transferred the amount in the account of beneficiaries by making forgery which is cheating and misuse of government amount and the same come under the purview of financial irregularity.

Learned counsel for the petitioner submitted that he has not misappropriated the aforesaid money. Supplementary affidavit has been filed as Annexure-2 to this petition, which shows that the amount as mentioned in the FIR has been transferred in the account of the beneficiaries on 21.08.2017. In the written report also, there is no allegation against the petitioner of defalcation.

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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Jehanabad P.S. Case No. 402 of 2017 to the satisfaction of learned Sub-Judge-1st, Jehanabad 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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