

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6894 of 2018

Arising Out of PS.Case No. -89 Year- 2017 Thana -MALI District- AURANGABAD

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Santosh Vishwakarma @ Santosh Kumar Vishwakarma, Son of Sitaram Vishwakarma, Resident of Village- Bela Khaira (Bairiya), P.S.- Mali, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 17-02-2018 Heard learned counsel for petitioner and learned counsel representing the State.

Petitioner is seeking anticipatory bail in Mali P.S. Case No. 89/2017 for the offences registered under Sections 420/467/468 of the Indian Penal Code.

Learned counsel for the petitioner submits that from Annexure-2 dated 25.10.2017 it will appear that the then B.D.O. had initially not found the allegations true against this petitioner. It is further submitted that this petitioner is neither a Ward Member nor has any role to play in the matter of distribution of the funds of the AAWAS YOJANA.

Learned A.P.P. for the State submits that in fact the F.I.R. has been lodged on 17.11.2017 when the complaint was



presented with an endorsement of the B.D.O., Navinagar addressed to the Officer-in-charge of the Police Station stating clearly that the allegations against the petitioner were verified and have been found *prima facie* true. Pointing out from the subsequent files annexed with the written complaint of the informant, learned A.P.P. submits that in course of verification the B.D.O. has recorded statements of a large number of co-villagers who have made allegations against this petitioner, moreover, this petitioner did not cooperate in course of verification.

Having considered the facts and circumstances, particularly that there is a verification report of the B.D.O., Navinagar dated 17.11.2017 based on the statements of a large number of co-villagers that this petitioner had indulged in taking or collecting money unlawfully at the time of disbursement of the amounts to the beneficiaries, I am not inclined to grant anticipatory bail to the petitioner.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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