

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52898 of 2018

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

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Md. Kamil Akhtar, son of Late Abdul Jabbar, resident of Mohalla- Sajjad Colony, P.S. K. Hat Sahayak, District- Purnia.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Soni Shrivastava, Advocate.

For the Opposite Party : Mr. Dr. Indiwari Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-09-2018

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 406 and 420/34 of the IPC.

The prosecution story, in brief, is that after enquiry, the Block Development Officer, Purnea found that the petitioner and eight others have allotted 'Indira Awas' in the year 2003-04 and 2008-09 without physical verification of land of beneficiaries and they are guilty for providing illegal fund for constructing house.

It has been submitted by learned counsel for the petitioner that the petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. The allotment of



‘*Indira Awas*’ is subject matter of *Gram Sabha* where collectively decision is taken. The petitioner is no solely responsible for acts committed by the beneficiaries. Other co-accused have been granted anticipatory bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 51186 of 2017 dated 17.11.2017, Cr. Misc. No. 54699 of 2017 dated 12.02.2018, Cr. Misc. No. 28745 of 2018 dated 29.05.2018 and Cr. Misc. No. 38240 of 2018 dated 29.06.2018.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Purnea, in connection with Dagarwa P.S. Case No. 136 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

