

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39118 of 2018

Arising Out of PS.Case No. -78 Year- 2018 Thana -KUTUMBA District- AURANGABAD

1. Rampukar Paswan, son of Jagdish Paswan, resident of village- Pola Tola (Lila Bigha), P.S.- Kutumba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Kutumba P.S.**

Case No.78 of 2018 instituted for the offence under Section(s)
420, 406 Indian Penal Code.

Counsel for the petitioner submits that instant case has been filed by the informant just as a counter blast to the complaint filed by the petitioner against the authorities concerned including the informant, BDO, etc. for committing irregularities vide case No.38 of 2018 dated 08.02.2018.

In the instant case, it is alleged that petitioner and his two brothers had obtained amount for three Indira Awas Yojna, but constructed only one house.



Counsel for the petitioner submits that all the three brothers have swear Affidavit in the Court below that they have constructed separate house and residing separately. They are also landless persons, which is annexed as Aenxure-2. Counsel for the petitioner further submits that Sarpanch of concerned Panchayat has given certificate that all the three brothers are separate and have constructed separate houses.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Kutumba P.S. Case No.78 of 2018**, 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 **Chief Judicial Magistrate, Aurangabad**, subject to the conditions as laid down under Section 438(2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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