

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21037 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- KUMAR KHAND District- Madhepura

SUDHIR KUMAR Son of Bhupendra Yadav Resident of Village - Gohumani,
P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kameshwar Prasad Singh

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Learned counsel for the petitioner is permitted to make
necessary correction in the petition.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 409, 420 and
120B/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Executive Magistrate, Sub-Divisional Office,
Madhepura submitted before the Station House Officer,
Kumarkhand Police Station is to the effect that as per the
direction of the District Magistrate, Madhepura, the FIR has
been lodged since during enquiry it was found that large-scale
illegality has been committed under the Indira Aawas



Scheme/Pradhan Mantri Aawas scheme. It is specifically alleged that none of the deserving persons have been given the benefit under the Indira Aawas scheme and such benefit has been given to those who already have been provided benefit under the said schemes and thereby they have misappropriated the government fund.

It is submitted by learned counsel for the petitioner that the petitioner is a Gramin Aawas Sahayak, whose duty is not only to examine the social audit but also to create waiting list of the beneficiaries under the scheme, but ultimately the claim was sanctioned by the BDO, who has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 10.10.2018, passed in Criminal Miscellaneous No. 57588 of 2018, whereas other BDO, namely Manimala Kumari has also been granted anticipatory bail vide order dated 10.09.2018, passed in Criminal Miscellaneous No. 52427 of 2018, while the similarly situated co-accused Arju Kumar, who is also a Gramin Aawas Sahayak, has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 22.02.2019, passed in Criminal Miscellaneous No. 10915 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



It is submitted by learned APP for the State that funds under the Indira Aawas scheme/Pradhan Mantri Aawas scheme has been misappropriated by all the FIR named accused persons including the petitioner.

Considering the fact that the sanctioning authority is BDO, who has already been granted anticipatory bail by a Co-ordinate Bench of this Court and other similarly situated co-accused persons have also been granted anticipatory bail coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in connection with Kumarkhand P.S. Case No.124 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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