

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76225 of 2018

Arising Out of PS. Case No.-887 Year-2015 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Md. Asfaque, Son of Md. Izrail, Resident of Village- Jalwara, Ward No. 10,
P.S.- Keoti, District- Darbhanga Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Md. Firoz, Son of Md. Ataur Rahman, Resident of Village- Jalwara, Ward No. 9, P.S.- Keoti, District- Darbhanga Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner being the Panchayat Mukhiya is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420 and 120(B) of the Indian Penal Code.

The prosecution case is that in the Financial Year 2011-12, the complainant's name was in the list of prospective beneficiaries of Indira Awas Scheme, but one Rafat Parween, in



conspiracy with the petitioner and others withdrew the money, which was sanctioned in the name of Firdaus, wife of Md. Firoz, and on protest being made the accused persons demanded Rs.10,000/-.

It is submitted by learned counsel for the petitioner that Rafat Praween is not the wife of the complainant against whom the accusation has been levelled to have withdrawn the amount. It is further submitted that for the occurrence of 2012 the complaint case has been filed in the year 2015. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that after finding prima facie case cognizance has been taken against the petitioner.

Considering the delayed lodging of the complaint and that too the accusation has been levelled against the complainant's wife, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bonds of Rs. 10,000/- (ten thousand), with two sureties of the like amount each to the



satisfaction of the learned **JM-Ist Class, Darbhanga** in
connection with **Complaint Case No.887 of 2015**, subject to
the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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