

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65866 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- DEO District- Aurangabad

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1. ALOK KUMAR Son of Mahendra Prasad Resident of Village- Khemchandra Bigha, P.S.- Deo, District- Aurangabad.
 2. Niraj Saxena @ Neeraj Saxena Son of Akshay Lal Chaurasiya Resident of Village- Jhodhpur, P.S.- Deo, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Deo P.S. Case No.96 of 2019 registered under Sections 467, 468, 471, 420 and 120(B) of the Indian Penal Code.

The accusation is that on receiving the letter dated 27.07.2019 of the District Magistrate, Aurangabad, regarding the illegality committed in the appointment of S.R.P./D.R.P under Clean India Scheme meant for the purpose of inspiring all the cleaners to free from “Open Toilet” under Lohiya Clean Bihar Mission, by Kamlesh Tiwary, who is living at K.T. Hotel, Deo, Aurangabad, the informant being the Block Development



Officer, Deo, along with the A.S.I. of Deo Police Station and other police personnel made raid at Room No.104 of K.T. Hotel and in that course, seized 3 pieces of big diary, 5 pieces of small diary, five pieces of copy along with other documents and other materials from there. Thereafter, the seizure list of the same was prepared and copy of the same was handed over to Kamlesh Tiwary, who was apprehended from there. On query, the informant came to know from Kamlesh Tiwary that he used to take Rs.20,000/- from each beneficiary to provide the forged appointment letter for the joining as D.R.P./S.R.P under Lohiya Clean Bihar Mission and he also disclosed the name of the petitioners and some others involved in the alleged crime, saying that the petitioners have received Rs.700/- from each beneficiary for the construction of their toilet.

Learned counsel for the petitioners submits that while the allegation has been made against the petitioners to collect Rs.700/- illegally from each beneficiary for the construction of their toilet under Lohiya Clean Bihar Mission under the conspiracy of Kamlesh Tiwary, appointed as S.R.P. for the District-Aurangabad, but not a single beneficiary has come forward to support the aforesaid allegation as made against the petitioners. The petitioners have no criminal antecedents.



Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, in connection with Deo P.S. Case No.96 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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