

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74809 of 2018

Arising Out of PS. Case No.-31 Year-2017 Thana- KHARIK District- Bhagalpur

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Brajesh Kumar son of Mahendra Das resident of Village- Anandipur, P.S.-
Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-01-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Kharik P.S. Case No. 31 of 2017

dated 13.03.2017 instituted for the offences under Sections

420, 406, 467/34 of the Indian Penal Code.

It has been alleged in the F.I.R that some of the

beneficiaries of Indira Awas Scheme have been disbursed

funds under that scheme repeatedly without the house

having been constructed.

During the course of investigation, it came to light

that the petitioner in his capacity as Clerk in the Block Office

has in collusion with the beneficiaries and others,

embezzled/defalcated the entire amount meant for genuine

beneficiaries.



The learned counsel for the petitioner has submitted that the money was received by a couple repeatedly for a number of times but the money was not utilized for the construction of house. The petitioner, in his capacity as Clerk did not have the authority to sanction any amount to the beneficiaries under the Indira Awas scheme and the sanctioning authority is more often than not the Block Development Officer of the Block. There is nothing on record, it has been argued, to suggest any collusion between the beneficiaries and the petitioner or for that matter with the Block Development Officer.

Considering the fact that petitioner is an under-strapper of the Block Office who does not have any authority to sanction any amount to the beneficiaries of the scheme, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Naugachiya,



Bhagalpur in connection with Kharik P.S. Case No. 31 of
2017, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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