

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6338 of 2020**

Arising Out of PS. Case No.-218 Year-2019 Thana- BARBIGHA District- Sheikhpura

MURARI KUMAR Son of Satya Narayan Prasad Resident of Village- Kasar,
P.S.- Sheikhpura, Distt- Sheikhpura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-09-2020 Heard learned counsel for the petitioner and Mr. Anuj
Kumar Shrivastava, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Barbigha P.S. Case No. 218 of 2019 registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Sheikhpura.

The allegation against the petitioner is that he being the Rural Housing Assistant has illegally disbursed the amount of the Pradhan Mantri Awas Yojana (Gramin) in the financial year 2017-18 and 2016-17. It is alleged that he had wrongly got paid the amount in the name of Bindu Devi wife of Shiv Balak Paswan and Girja Devi, wife of Chhotan Singh. The contention of learned counsel for the petitioner is that the petitioner is quite



innocent and the entire allegations have been made because of the dirty village politics. As a Rural Housing Assistant in Barbiga Block he had no role to play in the disbursement of the amount meant under the scheme. It is submitted that the Socio-Economic Caste Census – 2011 is the basis of identification of the beneficiaries and it is the Aam Sabha of the Gram Panchayat who is approving the names and in all these activities the Mukhiya of Pinjri Gram Panchayat had been present in the Aam Sabha. The duty of the petitioner was to submit the list of beneficiary approved by the Aam Sabha before the Rural Supervisor in the Block who was thereafter taking necessary steps for including the name of the bank account and payments after approval of the higher authority.

It is thus submitted that in the given facts and circumstances of the case the petitioner deserves privilege of anticipatory bail.

On the other hand, learned A.P.P. for the State submits that in course of investigation all the witnesses have supported the allegations against the petitioner. In this regard attention of this Court has been drawn towards the statement of the witnesses Manoj Kumar (paragraph 8) and Upendra Ram (paragraph 9) as also the facts which have come in course of



supervision. The witnesses have made specific allegations against this petitioner and it is alleged that this petitioner had committed several illegalities and irregularities leading to withdrawal of money in the name of dead persons under the scheme and this was done for personal gain.

Having regard to the facts and circumstances of the case and the materials available in the case diary wherein witnesses supporting the allegations of financial illegalities while discharging his official duties against this petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

