IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73803 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- FULKAHA District- Araria

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ASHOK KUMAR MANDAL @ ASHOK MANDAL, S/O Resham Lal Mandal, R/o Village- Bagnagar, P.S. Mahalgaon, District- Araria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Satyendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur,APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, being the Panchayat Secretary, is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420/34 of the Indian Penal Code.

The prosecution case as per the written report of Md. Rakib Hussain, Gramin Aawas Sahayak submitted before the S.H.O., Fulkaha is to the effect that in the year 2008-09 under Nawabganj Panchayat, one Nirdhan Poddar and 13 others beneficiaries were given advance amount of Rs.24000/- each under the Indira Aawas Scheme by crediting the said amount in the bank account of the respective beneficiaries, but subsequently, said Nirdhan Poddar filed a complaint to the

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effect that the said amount has fraudulently been withdrawn. In this connection, the Block Development Officer conducted an enquiry and came to the conclusion that the amount has fraudulently been withdrawn from the S.B.I. Achara branch and out of 13 beneficiaries, 10 beneficiaries have already received the benefit, but again their name has been included in the said list. The concerned bank has reported that all the beneficiaries have been identified by one Shyamdeo Paswan.

It is submitted by learned counsel for the petitioner that admittedly the said amount has been transferred to the bank account of the respective beneficiaries and the bank has reported that the withdrawal was made by the respective account holder, hence, the petitioner has maliciously been roped in the present case. 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 after going through the case diary that though the said amount has been transferred in the bank account of the beneficiaries, but fraudulently, it has been withdrawn.

Considering the fact that the bank has not suggest this fact that any person other than the account holder has withdrawn the said amount and statement made in paragraph no.3 of the

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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 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 Judicial Magistrate, 1st Class, Araria, in connection with Fulkaha P.S. Case No.36 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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