

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79419 of 2019

Arising Out of PS. Case No.-286 Year-2019 Thana- JOKIHAT District- Araria

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SANTOSH YADAV @ SANTOSH KUMAR YADAV @ BIJLU, S/o
Harinand Yadav @ Indranand Yadav, Resident of Village- Bara, 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. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 420, 406, 409, 504
and 323 of the Indian Penal Code.

Initially, the prosecution case got initiated with filing of
Complaint Case No.180C of 2019, which came to be registered
as police case, being Jokihat (Mahalgaon) P.S Case No.286 of
2019, after its being transferred under Section 156(3) of the
Code of Criminal Procedure to the police for investigation.

As per the complaint petition Rs.50,000/- was sanctioned
in favour of the complainant, Mostt. Sabari under the scheme
Indira Awas and the said amount was credited in her bank



account, but co-accused, Lalo Biswas, being the ward member and the petitioner Santosh Yadav, fraudulently, withdrew Rs.10,000/- each after obtaining thumb impression of the complainant.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, this is not in dispute that the alleged withdrawal was made with the thumb impression of the complainant. It is further submitted that the complainant has retracted from the initial version and has filed a petition to that effect before the learned Court below. Moreover, the complainant herself appeared before the learned Court below to support the factum of compromise which is apparent from the impugned order itself.

It is submitted by learned APP for the State that the thrust of accusation is against the petitioner.

Considering the nature of accusation and retracted version of the complainant, 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 CJM, Araria, in connection with



Jokihat (Mahalgaon) P.S. Case No.286 of 2019, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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