

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33871 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

Mukesh Ram, aged about 33 years, Male, Son of Late Santlal Ram, Resident of Village- Gopalpur Gopal, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Nachiketa Jha, learned counsel for the petitioner and Mr. Bharat Bhushan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bochahan PS Case No. 36 of 2019 dated 29.01.2019, instituted under Section 420/406 of the Indian Penal Code.

4. The petitioner, who is Ward Member of Ward No. 1 of Gram Panchayat Raj, Sarfuddinpur under Bochahan Block in the district of Muzaffarpur, is alleged to have taken Rs. 22,000/- from the beneficiaries for *Pradhan Mantri Awas Yojana*.

5. Learned counsel for the petitioner submitted that the enquiry had not taken place in the presence of the petitioner.



Learned counsel submitted that as per the statement of the complainants, either the money was given after much delay or Rs. 3,000/- and Rs. 5,000/- was taken by the petitioner and thus, the allegation of taking of Rs. 22,000/- is false. It was submitted that one of the complainants, Sonia Devi, has also filed another case against the petitioner. Learned counsel submitted that the allegation is totally false due to dirty village politics.

6. Learned APP submitted that the statement of beneficiaries clearly indicates that the petitioner took money for giving benefit of *Pradhan Mantri Awas Yojana* and, thus, it is clear that he was abusing his position as a Ward Member.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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