

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39111 of 2020

Arising Out of PS. Case No.-175 Year-2013 Thana- RAJAOLI District- Nawada

1. SHAMBHU PRASAD, son of Chando Mahto Resident of Vill.- Kasiya Dih, P.S.- Rajauli, Distt.- Nawada
2. Chinta Devi @ Chinda Devi, wife of Sitaram Prasad Resident of Vill.- Kasiya Dih, P.S.- Rajauli, Distt.- Nawada.
3. Sunaina Devi, wife of Jageshwar Mahto Resident of Vill.- Kasiya Dih, P.S.- Rajauli, Distt.- Nawada.
4. Rubi Devi, wife of Sunil Prasad Resident of Vill.- Kasiya Dih, P.S.- Rajauli, Distt.- Nawada.
5. Parmila Devi, wife of Rajendra Prasad Resident of Vill.- Kasiya Dih, P.S.- Rajauli, Distt.- Nawada.
6. Varni Devi, wife of Chando Mahto Resident of Vill.- Kasiya Dih, P.S.- Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-04-2021 Heard Mr. Pramod Kumar Verma, learned

counsel for the petitioners and Ms. Madhuri Lata, learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Rajauli P. S. Case No. 175 of

2013, dated 24.08.2013, instituted for the offences

under Sections 409 and 420 of the Indian Penal Code.



The accusation against the petitioners is of having applied for Indira Awas Assistance even though they had been beneficiaries of the same in the past.

The learned counsel for the petitioners has submitted that they have been made accused in this case at the instance of middle-man, who had used the names of the petitioners for being the beneficiaries of the Indira Awas Scheme for the second time.

The Bank Account of the petitioners had already been closed and their names have been misused.

Some of the petitioners, it has been stated, namely, petitioner nos. 2, 3 and 6 are senior citizens.

Considering the falsity of the allegation, it appears from the bail petition that final report false was submitted but differing with the police report, cognizance has been taken under the various sections of the Indian Penal Code including Sections 420, 465 and 471 of the Indian Penal Code. None of the Sections of the Indian Penal Code, in which cognizance has been taken, can, at



all, be said to have been made out from the facts of this case.

Considering the afore-stated facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. - IV, Nawada, in connection with Rajauli P. S. Case No. 175 of 2013, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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