

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4239 of 2021

Arising Out of PS. Case No.-9 Year-2019 Thana- MANER District- Patna

1. CHAMKILA DEVI, WIFE OF SHYAM BABU RAI ALIAS SHYAM BABU SINGH DAUGHTER OF RAMPATI RAI Resident of Village Ramjichak Beyapur, P.S. Maner, District- Patna.
2. Akhilesh Kumar Son of Premdhar Rai Resident of Village- Ramjichak Beyapur, P.S. Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-01-2022 Heard Mr. Prashant Kumar, learned counsel for the petitioners and Mr. Pawan Kumar Chaurasia, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Maner P. S. Case No. 09 of 2019, dated 05.10.2019, instituted for the offences under Sections 409, 467, 468, 471 and 420 of the Indian Penal Code.

On 10.12.2021, this Court had recorded that the accusation against the petitioners is of having



attempted to and having become successful in withdrawing government money under the Prime Minister Residential Scheme by falsely geo-tagging the buildings in which they had been residing.

The learned counsel for the petitioners has submitted that from the plain reading of the FIR, though it would appear to be an accusation primarily revolving around delayed construction of the house even when money was paid to the beneficiaries, but from the enquiry report, it would appear that because of the accusation of false geo-tagging of the buildings in question, they have been made accused in this case.

By way of supplementary affidavit, the learned counsel for the petitioners has submitted that husband of petitioner no. 1 is separate in mess and business from his two brothers, namely, Lal Babu Singh and Vijay Kumar after partition. The father-in-law of petitioner no.1 has also passed away. The ancestral residential house which was of the husband of petitioner no. 1 was



later converted into a double storied house by one of the brothers of her husband after the partition in the family property. A sale-deed was also executed in favour of the husband of the petitioner no. 1 as per the scheme of the partition by his own uncle Buddhan Rai in the year 2011. The family of the petitioner no. 1 has been living in a thatched house. The government aid was received by petitioner no. 1 over a portion of land measuring two decimals situated in Khata No. 117, Survey Plot No. 1642, which is in her exclusive share in the family property after partition.

It has further been submitted with respect to petitioner no. 2 that he belongs to Maha Dalit Community and was initially a landless person. A portion of the vacant land measuring approximately 1.5 decimal in Khata No. 211, Khesara No. 1750 was allotted to him under *Bandobasti* Case No. 2 of 2013-14. The accusation of false geo-tagging is denied and it is stated that the same land which was settled in his favour under



the afore-noted *Bandobasti* case was the basis for giving grant to him for construction of his house.

The learned Counsel for the petitioners, therefore, has submitted that the report of the enquiry is highly hatched up and the petitioners have not been communicated the reasons for doubting their credentials for obtaining the government loan.

Considering the afore-noted arguments, the provisional bail granted to petitioner no. 1 is hereby confirmed. She shall remain on the same bail bonds.

So far as petitioner no. 2 is concerned, taking into account the afore-noted arguments, he, in the event of his arrest or surrender before the court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Danapur, in connection with Maner P. S. Case No. 09 of 2019, subject to the conditions laid



down under Section 438(2) of the Cr.P.C.

This petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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