

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6806 of 2023

Arising Out of PS. Case No.-232 Year-2017 Thana- MANSI District- Khagaria

1. Khushboo Devi Wife Of Hari Nandan Bhagat R/V- Rohiyar, P.S- Manshi Dist- Khagaria
2. Manish Kumar Son Of Satto Yadav R/V- Rohiyar, P.S- Manshi Dist- Khagaria
3. Parwati Devi Wife Of Sanjay Yadav R/V- Rohiyar, P.S- Manshi Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 467 and 468/34 of the Indian Penal Code.

As per prosecution case, a list of flood affected people was prepared under Rohiyar Panchayat and in this list who are not presently of that village were listed. In this way the administration was misled by preparing a wrong list. The amount to be distributed among the flood affected was misused and attempts were made to damage the image of the administration and tried to create law and order situation.



Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that during the course of investigation it has been transpired that petitioner no.1 is resident of Rohiyar Ward No. 11 and fully entitled to receive flood affected compensation of Rs. 6,000/-. Petitioner no. 3 was found not entitled out of the list of 219 beneficiaries and she has refunded the amount, the copy of receipt is enclosed and marked as Annexure-2 to the bail application. Petitioner no.2 was member of Anusharawan Samittee headed by Mukhiya and other members under the supervision of Halka Karamchhari. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail and submits that specific overt act has been attributed against the petitioners. Hence, they do not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against petitioners no. 1 and 3, let the above named petitioners no.1



and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mansi P.S. Case No. 232 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, there is specific overt act against petitioner no.2, considering the facts and circumstances of the case, I am not inclined to enlarge petitioner no.2 on anticipatory bail in connection with Mansi P.S. Case No. 232 of 2017.

The prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

(Anjani Kumar Sharan, J)

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