

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31134 of 2023

Arising Out of PS. Case No.-10 Year-2009 Thana- DUMARIYA District- Gaya

SUKHDEV PRASAD SON OF LATE JANKI MAHTO Resident of Village-
Makhdumpur, Post- Tumgi, Police Station- Wazirganj, District-Gaya, Bihar-
805131

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujit Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with Dumariya P.S. Case No. 10 of
2009, registered for the offences punishable under
Sections 420, 406, 409, 120(B), 467, 468 and 504
of the Indian Penal Code.
3. The case of the prosecution, in brief,
according to the complainant, is that her name was
existing in the list of B.P.L. beneficiaries and the co-
accused person, namely, Ramti Devi in collusion
with other co-accused persons had engaged in
impersonation and had got a house allotted under



the scheme of allotment of houses to persons belonging to the B.P.L. category, by committing forgery.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner was working as Panchayat Sevak at the relevant time, however, Panchayat Sevak has no role to play in allotment of house and, moreover, he has stood retired long back in the year 2012 inasmuch as he is now aged about 72 years and is being unnecessarily harassed.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also considering the fact that the



petitioner has stood retired 11 years back as Panchayat Sevak of the concerned Panchayat, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Dumariya P.S. Case No. 10 of 2009, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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