

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35417 of 2023**

Arising Out of PS. Case No.-240 Year-2022 Thana- BARHARIA District- Siwan

SANJAY PASWAN @ SANJAY KUMAR PASWAN Son of Surendar Prasad
Manjhi @ Surendra Paswan @ Surendra Resident of village - Paharpur, P.S. -
Barharia, Distt. - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh

For the Opposite Party/s : Mr.Arvind Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 21-07-2023 This application, for grant of anticipatory bail, arises out of Special Case No. 19 of 2022, arising out of Barharia (Siwan) Police Station Case No. 240 of 2022, dated 30.05.2022, disclosing offences punishable under Sections 420/409 of the Indian Penal Code and Section 7 of the Prevention of Corruption Act.

The prosecution case, as per the First Information Report lodged on the basis of the written report of the Block Development Officer, Barharia, is that a viral video came to light in which the Ward Member of Ward No. 10, namely, Sanjay Paswan, i.e. the petitioner, was seen accepting illegal money from the beneficiaries of Pradhan Mantri Awas Yojana on 23.05.2022. The newspaper also reported this incident, upon



which the informant made an enquiry by visiting the concerned ward and during the course of enquiry, five of the beneficiaries confirmed the news circulated through viral video and the newspaper that the petitioner, being the Ward Member, was accepting illegal money. The statements of the beneficiaries and the newspaper report are part of the First Information Report.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to the fact that he had raised voice against the irregularities in the selection of the beneficiaries of the Pradhan Mantri Awas Yojana by the official concerned. He further submits that the petitioner, being the Ward Member, has no role to play in the selection of the beneficiaries under the Pradhan Mantri Awas Yojana or payment of money and it is the Gram Panchayat, Awas Sahayak, Circle Officer, Mukhiya and the Block Development Officer, who have full responsibility and control for the implementation of the Pradhan Mantri Awas Yojana. He further submits that no independent witness has supported the allegation of accepting illegal money during the course of investigation.

On the other hand, learned Counsel for the State vehemently opposes the prayer for bail and submits that the offence, in which the petitioner is involved, is very serious



inasmuch as the petitioner, being the elected representative of the concerned ward, misused his official position and defrauded and cheated the innocent beneficiaries of the Pradhan Mantri Awas Yojana by taking illegal money against the advance amount of the first instalment for construction of house, disbursed in their favour under the Pradhan Mantri Awas Yojana and, prima facie, it appears that the petitioner has knowingly and deliberately defrauded the innocent villagers in systematic and calculative manner.

I have heard learned Counsel for the parties and have perused the materials available on record, including the First Information Report and the impugned order.

From perusal of the First Information Report, it appears that the viral video and the newspaper report were verified by the informant by visiting the concerned Panchayat and enquired the veracity of the news report and during the course of enquiry, several beneficiaries have specifically stated that the petitioner has taken a sum of Rs. 20,000/-, Rs. 10,000/- and Rs. 15,000/- from them against the advance amount of Rs. 40,000/- received by them for constructing their houses under the Pradhan Mantri Awas Yojana.

From perusal of the impugned order, it appears that



during the course of investigation, several witnesses have supported the prosecution case, mentioned in paragraphs 2 and 7 to 10 of the case diary.

Taking into consideration the allegation made in the First Information Report and the materials collected during the course of investigation, I am satisfied that there is, prima facie, evidence of taking illegal money by the petitioner from the innocent villagers.

Accordingly, in my view, the petitioner does not deserve privilege of anticipatory bail.

This application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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