

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35600 of 2023

Arising Out of PS. Case No.-553 Year-2022 Thana- PARBATTa District- Khagaria

RAM PRAKASH MANDAL @ SRI RAM PRAKASH MANDAL SON OF
LATE RAMSWAROOP MANDAL RESIDENT OF VILLAGE- GODIYASI,
PS- PARBATTa, DISTT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party/s: Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023 Heard Mr. Viveka Nand Singh, learned counsel for

the petitioner and Mr. Md. Sufyan, learned Additional Public

Prosecutor appearing for the State.

2. Petitioner apprehends his arrest in connection
with Parbatta P.S. Case No. 553 of 2022 dated 16.12.2022
registered for the offence punishable under Sections 188, 406,
420, 467 and 468 of the Indian Penal Code.

3. As per the First Information Report despite notice
having been given to the petitioner for refund of a sum of
Rs.80,000/- which was disbursed to him under *Indira Awas*
Yojana/Pradhan Mantri Awas Yojana, the petitioner did not
refund the amount to the B.D.O. Parbatta. It has also been
alleged that the petitioner has received the amount towards the



Indira Awas Yojana on two occasions; one in 2003-04 and second in 2019-20. It has further been alleged that the petitioner has not completed the house under *Indira Awas Yojana/Pradhan Mantri Awas Yojana*.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that in 2003-04 a sum of Rs.3000/- was sanctioned and disbursed to the petitioner for the purpose of repairing of his roof and secondly in 2019-20 he was given two installments of 40,000/- rupees for construction of the house under *Indira Awas Yojana/Pradhan Mantri Awas Yojana* and after receipt of the amount in question the petitioner has constructed the house and had spent all the amount in the construction of the house. As such, he was not in a position to refund the amount to the informant. In support of the submission that in 2003-04 a sum of Rs.3,000/- was given, learned counsel refers page 18 of the brief which is part of the First Information Report.

5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is a beneficiary under the *Pradhan Mantri Awas Yojana* and he



received the installment amount as per the entitlement and according to the petitioner he has already constructed the house, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria, in connection with Parbatta P.S. Case No. 553 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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