

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36335 of 2023

Arising Out of PS. Case No.-503 Year-2016 Thana- SUPAUL District- Supaul

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1. Asha Devi Wife Of Chandeshwar Kamat Resident Of Village Chhapkahi Police Station Supaul, District- Supaul
 2. Parwati Devi Wife Of Karunesh Kumar @ Karunesh Singh Resident Of Village- Chhapkahi, Police Station- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 409, 420/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged by the B.D.O., Supaul on 21.10.2016 alleging therein that the beneficiaries of Indira Awas have collected money for construction of Indira Awas but even after receiving the money, they have not constructed the same and treating it defalcation of Government money, the F.I.R. has been lodged against 29 named accused persons. The said *fardbeyan* dated 21.10.2016

was lodged by the police on 23.10.2016.

4. Counsel for the petitioners submits that the present F.I.R. has been lodged in the year 2016 but the present status as per the Annexure-2 in which a report has been prepared by the B.D.O., Supaul himself in which the present status of the house has been shown and name of the petitioners were figured at Serial No.- 24 & 25 and in the column of the present status, it has been shown that the said house has been fully constructed.

5. Counsel further submits that the money provided by the Government under Indira Awas Yojana is basically a money in the nature of '*Anudan*' for which it is necessary that the utilisation of the said money has been done for which it has been provided to the beneficiaries. From the report of the B.D.O., Supaul, it transpires that the said purpose has been fulfilled.

6. Counsel also submits that antecedent of the petitioners are clean and they are the female.

7. Learned APP for the State opposes the prayer for bail and submits that it is true that the house was constructed.

8. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a

period of 6 weeks from today, on furnishing bail bond to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul P. S. Case No.503 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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