

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60691 of 2023**

Arising Out of PS. Case No.-234 Year-2022 Thana- DINARA District- Rohtas

1. Shiv Kumari @ Shiv Kumari Devi, Wife Of Sikandar Dom Resident Of Village - Dinara, P.S. - Dinara, District - Rohtas
2. Sanjay Dom, Son Of Moti Dom Resident Of Village - Dinara, P.S. - Dinara, District - Rohtas
3. Shanti Kuer, Wife Of Nanhaku Dom Resident Of Village - Dinara, P.S. - Dinara, District - Rohtas
4. Nitu Dom, Son Of Ramjee Dom Resident Of Village - Dinara, P.S. - Dinara, District - Rohtas
5. Savita Devi, Wife Of Lakshuman Dom Resident Of Village - Dinara, P.S. - Dinara, District - Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Pandey, Advocate  
For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      11-10-2023                      Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Dinara P.S. case No. 234 of 2022 registered for the offence punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners have wrongly claimed benefit under the housing scheme meant for the poor and have misappropriated the amount.



4. The learned counsel for the petitioners submits that the petitioners are from lower strata of the society and have become victim of the circumstance. They are supposed to have received the financial benefits in the year 2016-17 and 2017-18 but possession of the land on which they were given financial assistance for construction has never been handed over to the petitioners. The F.I.R. has been lodged 4-5 years later only to cover up the lapse committed by the authorities themselves. The petitioners have no antecedents.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions of the parties, delay in lodging of the F.I.R. and the clean antecedents of the petitioners, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned A.C.J.M.-11-cum-Sub Judge-11, Bikramganj, Rohtas in connection with Dinara P.S. case No. 234/2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

**(Madhuresh Prasad, J)**

Pankaj/-

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