

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64044 of 2022

Arising Out of PS. Case No.-118 Year-2011 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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SUSHIL KUMAR MANDAL S/o Late Ram Pukar Mandal R/o Village-
Narahia, P.S.- Laukahi, Distt- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. HRIDAY NARAYAN JHA @ HRIDYA KANT JHA S/o Late Madhav Jha
R/o Beta Dih, P.S.- Khajauli, Distt- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-03-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a complaint case punishable for the offence under Section 406 / 34 of the Indian Penal Code.

As per complaint case, Mukhiya's husband and Mukhiya took Rs. 5,000/- from the complainant in lieu of providing house to him under *Indira Awas Yojna*, but neither house was provided nor alleged money was returned to complainant. Petitioner, being Panchayat Sachiv of said Gram Panchayat, is alleged to have received said amount of Rs. 5,000/- from Mukhiya's husband.

It is submitted on behalf of petitioner that petitioner



has been falsely implicated in this case. At the relevant time, petitioner was not posted in the said Gram Panchayat and as such, there was no occasion for him to demand or accept the bribe money. Moreover, the complainant has filed an affidavit regarding the matter having been compromised between the parties and he does not wish to pursue the case any more.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the fact that specific allegation of demand of bribe amount is against other co-accused persons as also the fact petitioner was not posted in the said Gram Panchayat and the compromise petition filed by complainant, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhubani in connection with Complaint Case No. 118 of 2011, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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