

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46620 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- KORMA District- Sheikhpura

Babloo Kumar S/o Rajkumar Singh R/o vill - Ghuskuri, P.S. - Ariyari, Distt.-
Sheikhpura, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-10-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Korma P.S. Case No. 45 of 2025 instituted under Sections 316(5), 318(4), 61(2) of Bhartiya Nayay Sanhita, 2023 lodged on 17.04.2025 by the informant, Md. Aeje Alam.

3. As per the prosecution story, the informant alleged that the petitioner being the “Gramin Awas Sahayak” of Panapur and Gagaur Panchayat under Ghatkusumbha Block was found guilty by the Enquiry Committee in illegally granting payment to six persons under ‘Pradhan Mantri Gramin Awas Yojana’ altogether defalcation amount is Rs. 4,00,000/- (Four lakh).

4. Learned counsel for the petitioner submits that it is not a case of defalcation, names were recommended, it has to be scrutinized by number of persons before finally payment was to



be made. However, he has been found guilty, already contract stands cancelled, is now an unemployed person. The submission is that the petitioner has no criminal antecedent, is ready to face the trial diligently and to show his bonafide, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner is ready to pay Rs.1,00,000/- (one lakh) through Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank in the name of Deputy Development Commissioner, Sheikhpura.

5. Learned APP opposes the prayer submitting that wrong beneficiaries were allotted the amount under 'Pradhan Mantri Gramin Awas Yojana'.

6. It has been submitted that one of the beneficiary has been granted relief by a coordinate bench in Cr. Misc. No. 45991 of 2025 on 21.07.2025 (**Kiran Devi vs. the State of Bihar**).

7. Let the order be kept on record.

8. The allegation is there, the petitioner shall be facing the trial, he has no criminal antecedent, is ready to pay Rs.1,00,000/- (one lakh) by way of Demand Draft in favour of Deputy Development Commissioner, Sheikhpura, in that background, this Court is inclined to extend him the privilege



of anticipatory bail subject to payment of Rs.1,00,000/- (one lakh) through Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank in the name of Deputy Development Commissioner, Sheikhpura.

9. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Korma P.S. Case No. 45 of 2025 to the satisfaction of learned Judicial Magistrate-1st Class, Sheikhpura subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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