

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91357 of 2025

Arising Out of PS. Case No.-343 Year-2025 Thana- JOGAPATTI District- West Champaran

Sudish Prasad Kushwaha @ Sudish Kushwaha Son of Late Vishwakarma Kushwaha @ Late Vishwakarma Mahto Village- Sirisiya (Sirsia), PS- Yogapatti Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khushi Awadh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-01-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Yogapatti P.S. Case No. 343 of 2025, registered for the offences punishable under Sections 316(2), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Based upon the written report filed by one Santosh Kumar, Assistant of Rural Housing in Barwa Ojha Panchayat, an enquiry was conducted by the Director of Accounts Administration & Planning, District Rural Development Agency, Bettiah, West Champaran with regard to the complaint of providing P.M. Awas Yojna, in which it is found that the petitioner has extracted about Rupees 1.5 lakhs and deposited the same on the PhonePe of co-accused Vijay Kumar



Kushwaha.

4. Learned Advocate for the petitioner submitted that prior to the institution of the FIR, the petitioner himself had made a complaint against Assistant of Rural Housing, namely, Santosh Kumar that he had realized money from the villagers illegally in the name of providing P.M. Awas , but by one reason or other, he is not providing the same. In fact, based upon the aforementioned complaint, the enquiry was conducted, however, during the course of enquiry, in order to give clean chit to Assistant of Rural Housing, the petitioner has been made accused in this case with an allegation that it is he, who extracted money and get it deposited in the PhonePe of co-accused Vijay Kumar Kushwaha. Even if the allegation is accepted for the sake of argument, it is Vijay Kumar Kushwaha, who has received the amount. The petitioner has always been raising voice against the irregularities in providing P.M. Awas Yojna and for the said reason, he has been made accused. The petitioner bears fair antecedent and in order to show his bona fide, he undertakes before this Court that he is ready to deposit Rs. 50,000/- in the Najarat, at the time of furnishing bail bond, subject to the final outcome of the criminal proceeding.

5. On the other hand, learned Advocate for the State



opposed the pre-arrest bail application and submits that the petitioner has duped altogether fifteen villagers in the name of providing P.M. Awas Yojna and, as such, he does not deserve the privilege of anticipatory bail.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the aforesaid fact, especially the fact that prior to the institution of the FIR, the petitioner had already filed an application before the District Magistrate, West Champaran, Bettiah regarding irregularities in providing P.M. Awas, which led to an enquiry, besides the fair antecedent of the petitioner and his undertaking that he will deposit an amount of Rs. 50,000/- in Najarat, at the time of furnishing bail bond, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, West Champaran, Bettiah in connection with Yogapatti P.S. Case No. 343 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of



the bailors shall be the own/close family members of the
petitioner.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

