

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2792 of 2015

Arising Out of PS.Case No. -87 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Taj Begum daughter of Md. Harish Resident of Village - Samashpura
Chakalalu, P.S- Mehsi, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyank Samdarshi, Adv

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 29-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Section-409 of Indian Penal Code, involving misappropriation of Rs. 2,80,000/- by him (petitioner) in capacity of Incharge Headmistress of Upgraded High School Meghua Urdu, this Court having examined the defence of the petitioner that such amount of Rs. 2,80,000/- by way of distribution of cycle allowance was allegedly taken away by the members of the mob in course of distribution of the aforesaid amount and that is contrary



to the report of the District Programme Officer, East Champaran, Motihari dated 25.01.2014, which says that no such money was taken by the mob as claimed by the petitioner, was not inclined to grant the privilege of anticipatory bail to the petitioner.

When such an observation has been made, learned counsel for the petitioner comes out with an offer that the petitioner subject to the result of the trial shall deposit sum of Rs. 2,80,000/-, by way of bank draft in the name of the Collector of East Champaran district within a period of four weeks.

That being so, if the petitioner namely, **Taj Begum**, surrenders within a period of six weeks from today and renders proof of depositing of Rs. 2,80,000/- in the account of the Collector of the East Champaran district, she would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **C.J.M. East Champaran, Motihari** in connection with **Kalyanpur**

P.S. Case No. 87 of 2014, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that she will receive the police papers on the given date and be present on the date fixed for charge and if she fails to do so on two given dates and delays the trial in any manner, her bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if

she fails to do so on two consecutive dates, her bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

