

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47510 of 2014

Arising Out of PS.Case No. -55 Year- 2011 Thana -JADIA District- SUPAUL

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1. Kiran Singh @ Kiran Devi @ Devi wife of Bimal Kumar Singh, Resident of village- Koriapatti, West, P.S.- Jadia, District- Supaul.
 2. Archana Devi wife of Bipin Kumar Yadav, Resident of village- Koriapatti, East, P.S.- Jadia, District- Supaul.
 3. Farjana Saba, wife of Azim Rahmani, Resident of village- Bagheli, east, P.S.- Jadia, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 19-05-2015

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in Jadia P.S. Case No. 55 of 2011 dated 10.09.2011 instituted under Section 409 of the Indian Penal Code.

The allegation against the petitioners who were Mukhiya of various Panchayats at the relevant time is that they had purchased solar lights without following the due procedure prescribed by the Government.

Learned counsel for the petitioners submits that solar lights even if purchased without following the prescribed procedure cannot be criminal in nature. It is submitted that the allegation is not with regard to defalcation of Government money or the solar lights not being found. It is



further submitted that even after it is found that the purchases were made at slightly higher price, if it is ultimately held after proper investigation and trial and the same is found improper, the Government could recover the excess amount from the petitioners. It is submitted that the petitioners are ladies. Learned counsel has drawn the attention of the Court to order dated 19.09.2014 passed by a co-ordinate Bench in Cr. Misc. No. 26136 of 2014 where two other Mukhiyas with the same allegation and named in the same F.I.R. namely, Gauri Shankar Singh and Indra Deo Saha have been granted anticipatory bail and further by order dated 28.01.2015 a co-ordinate Bench has also granted anticipatory bail to another similarly situated co-accused Shiv Narayan Yadav in Cr. Misc. No. 1985 of 2015.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in Jaida P.S. Case No. 55 of 2011 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 subject to following conditions:

1. One of the bailors will be the close relative of

the petitioners.

- 2 The petitioners will not indulge in similar or in any other offence.
- 3 The petitioners will be well represented in the Court.
- 4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the Court concerned.

(Ahsanuddin Amanullah, J.)

P. Kumar

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