

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3978 of 2015

Arising Out of PS.Case No. -220 Year- 2014 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

1. Ur Pramila Devi W/O Late Umesh Tiwari Resident of vill-Man
Kararia,P.S-Paharpur,Distt.-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Shakti Suman Kumar
For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

325-06-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State. Also heard
learned counsel appearing for Dipendra Kumar, who happens to
be Nyay Mitra.

Petitioner apprehends her arrest in connection with
Paharpur P.S. Case No. 220 of 2014 registered for the offence
punishable under Section 409/34 of the Indian Penal Code.

Petitioner was *Sarpanch* at the relevant time and
the accusation against her is that she withdrew Rs. 63,000/- but
she did not make payment to the Dipendra Kumar and

accordingly, it is alleged that she defalcated Rs. 35,000/-

Learned counsel appearing for the petitioner submits that as a matter of fact, at the relevant time, the husband of petitioner died and the petitioner was under depression. It is further contended by him that petitioner had given Rs. 35,000/- to Dipendra Kumar but unfortunately, she failed to take receipt thereof and to mention the same in relevant register but petitioner is ready to deposit Rs. 35,000/- in the court, subject to final decision of the case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of her arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri R.K. Rajak, Judicial Magistrate, Motihari in Paharpur P.S. Case No. 220 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C. Furthermore, the petitioner shall deposit Rs. 35,000/- before the concerned court within a month from the date of release and if she does so, the deposited amount shall be kept in a Bank by the concerned court and the

aforesaid amount shall be subject to the result of the present case. It is made clear that failure on the part of the petitioner shall give liberty to the concerned court to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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