

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25191 of 2015

Arising Out of PS.Case No. -315 Year- 2014 Thana -PIRO District- BHOJPUR

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Poonam Devi W/o Satyendra Narayan Singh Resident of Village Kothuan,
Police Station Agiaon Bazar, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemendra Pd Singh, Sr. Adv

For the Opposite Party/s : Mr. Shailendra Kumar-I(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-08-2015 Heard learned counsel for the parties.

2. Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-409, 420/34 of the Indian Penal Code and the admitted position that the petitioner is the Mukhiya and it was the decision of the Executive Committee, headed by the Mukhiya, which had made purchase of Solar Lights, contrary to the Government decision, of its being purchased from the named sources, this Court would not be inclined to grant the privilege of anticipatory bail to the petitioner merely because the Panchayat Secretary had been given such anticipatory

bail.

3. The Government money on the head of Solar Lights has been looted all over the State of Bihar and in fact it was the order of the Division Bench in the Public Interest Litigation, on the basis of which, this scam had surfaced.

4. In that view of the matter, since the loss caused by the petitioner's purchase to the Government is to the tune of Rs. 9,41,000/-, this Court would not be inclined to grant the privilege of anticipatory bail to the petitioner, inasmuch as, this white collar offence has become too rampant and deep rooted.

5. When such an observation has been made, learned counsel for the petitioner comes out to submit that the petitioner would be ready to pay half of the aforesaid amount by way of bank draft in the name of the Collector of Bhojpur district.

6. That being so, if the petitioner namely, **Poonam Devi**, surrenders within a period of four



weeks from today, and shows the receipt of depositing of sum of Rs. 4,70,500/- (Four lacs Seventy Thousand Five Hundred) by way of bank draft in the office of the Collector, Bhojpur 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 **A.C.J.M. Bhojpur, Ara** in connection with **Piro P.S. Case No. 315 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) Such payment by the petitioner of Rs. 4,70,500/- in the name of the Collector however would remain subject to the result of the outcome of the trial.

(ii) 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.

(iii) That the bailors 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 he fails to do so on two given dates and delays the trial in any manner, his 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)

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