

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18165 of 2015

Arising Out of PS.Case No. -132 Year- 2014 Thana -KOCHADHAMAN District- KISANGANJ

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Salma Khatoon Wife of Samad Samsi, Chairman, Modho PACS, resident of village - Modho, Police Station - Kochadhaman in the district of Kishanganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kumar, Advocate.

For the Opposite Party : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 07-10-2015 Heard both sides.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 409 and 120(B) of the Indian Penal Code.

The petitioner is the chairman of Modho PACS and in the year 2011-12 and 2012-13 the petitioner has misappropriated huge amount in purchasing paddy. It is pointed out that eight cheques were issued in the name of Zahid Alam and others but somebody else withdrew the amount from the bank.

It is submitted that the petitioner is ready to deposit the entire amount of defalcation, if any. According to the petitioner no amount is defalcated, but if the auditor finds any illegality committed the petitioner is ready to deposit the entire amount. The

petitioner is also ready to deposit Rs. 2,00,000/- within three months.

Considering the facts aforesaid, if the petitioner deposits Rs. 2,00,000/- within three months from the date of this order, the petitioner above named, in the event of her 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Rumpa Kumari, the learned Judicial Magistrate 1st Class, Kishanganj in Kochadhaman P.S. Case No. 132 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to the condition that if the petitioner fails to deposit Rs. 2,00,000/- within three months from the date of this order the learned court below shall cancel the bail bond of the petitioner. In the meantime, the District Cooperative Officer is directed to get the account audited and serve a copy of the amount defalcated to the petitioner and the petitioner shall deposit the entire amount as per his undertakings.

(Prabhat Kumar Jha, J.)

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