

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11636 of 2016

Arising Out of PS.Case No. -300 Year- 2015 Thana -GAYGHAT District- MUZAFFARPUR

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Chandra Kala Kumari, W/o Shyam Sunder Pandit, Block Teacher, Utkramit Middle School, Chandpur, Gaighat, District- Muzaffarpur, resident of Village- Pagamandavi, P.O P.S. Gaighat, Distt Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv.
Mr. Rajeev Kumar Singh

For the Opposite Party/s : Mr. B.M.Pd.Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-03-2016 Heard the parties.

The petitioner apprehends her arrest in a criminal prosecution registered under Section 409 of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged to have defalcated Rs. 1,29,000/-, which was meant for distribution as scholarship amount amongst the students.

The learned Senior counsel appearing on behalf of the petitioner submits that the accusation against the petitioner is false and motivated one. However, he further submitted that the petitioner is prepared to deposit the aforesaid amount of Rs. 1, 29,000/- in the court, provided the deposit of money is not construed as confession of guilt.

In view of the aforesaid fair stand taken on behalf of the petitioner, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail, provided the petitioner deposits the aforesaid amount of Rs. 1,29,000/- within a

period of two months from today in the court concerned.

It is clarified that the deposit of the aforesaid money shall not be construed as confession of guilt by the petitioner and the money deposited shall be subject to final outcome of the trial in the present criminal case. If the aforesaid money is deposited within the time prescribed, then in the event of her arrest or surrender in the Court below within the aforesaid period of two months from today, let the above named petitioner be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Gaighat P.S. Case No. 300 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the Court below showing his relationship with the petitioner,
- (B). if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and
- (C). the petitioner shall make regular pairvi in the court below in the present case either by appearing herself in person or through representation by her lawyer on each

and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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