

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6831 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -GURARU District- GAYA

- =====
1. Manju Devi, Wife of Suryadeo Lal, Resident of Village- Kehda
 2. Umesh Kumar, Son of Sukhdeo Yadav, Resident of Village- Konchi,
- Both are P.S.- Guraru, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. R.B.Ray Raman(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 23-06-2016 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Guraru P.S. Case No.88 of 2015 for allegedly having committed the offences under Sections 409, 420, 466, 468 and 506/34 of the Indian Penal Code.

Case diary in the present case was called for, which has since been received.

Learned counsel for the petitioners submits that though there is an allegation of defalcation of huge amount of money to the tune of Rs.2,34,733/-, there was no complaint from any quarter within the period such payments were made to the respective recipients. It is submitted that subsequently for



political reasons, certain vested interests got the present F.I.R. lodged after a lapse of five years. Learned counsel for the petitioners further points out to several receipts, which have been annexed to the present application, vide Annexure 2 series, which go to show that the petitioners had, in fact, made payment to the recipients of their respective emoluments. It is further submitted that no complaint was lodged by them at the relevant point of time.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that the investigation has revealed that certain money had been withdrawn for the purpose of paying to the recipients and Panches by Nayay Sachiv and Sarpanch. However, Panches have not come forward to make such allegation.

Taking into consideration all the facts and circumstances of the case and that the petitioners have made certain payments and that petitioner No.2 is still functioning as Nayay Sachiv whereas petitioner No.1 is removed by the subsequent Sarpanch and also because they have no criminal antecedents, let both the petitioners, above named, in the event of their 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Jyoti Prakash, learned Judicial Magistrate, 1st Class, Gaya, in connection with Guraru P.S. Case No.88 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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