

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50232 of 2015

Arising Out of PS.Case No. -10 Year- 2014 Thana -MADHUBANI TOWN District- MADHUBANI

1. Jyoti Rani Wife of Baidyanath Kumar, Resident of village- Bhachhi,
P.S.- Madhubani Nagar, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.25571 of 2015

Arising Out of PS.Case No. -10 Year- 2014 Thana -MADHUBANI TOWN District- MADHUBANI

1. Vijay Kumar son of Ram Balak Paswan Resident of village - Bibipur,
P.S.- Gaurichak , District - Patna, then Rojgar Panchayat Sewak of
Bhachhi Panchayat , P.S. - Town, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.50232 of 2015)

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

(In Cr.Misc. No.25571 of 2015)

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Shailendra Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-03-2016

No order needs to be passed in Cr. Misc. No.
25571 of 2015.

The petitioner of Cr. Misc. No. 50232 of 2015
being panchayat Mukhiya has renewed her prayer for bail in a
case registered for the offences punishable under Sections 406,
409, 420 read with Section 34 of the Indian Penal Code.

Though earlier the prayer for anticipatory bail of the petitioner was rejected by a coordinate Bench of this Court vide order dated 30.04.2015 passed in Cr. Misc. No. 50894 of 2014 but the matter has been listed today in view of the order dated 16.03.2016 passed by Hon'ble Acting Chief Justice in view of the fact that panchayat Secretary was granted provisional anticipatory bail by this Court vide order dated 01.07.2015 passed in Cr. Misc. No. 25571 of 2015.

The prosecution case is that the petitioner being panchayat Mukhiya in league with the panchayat Secretary misappropriated funds of various government schemes. It is specifically alleged that in one scheme, against the estimated cost of Rs. 10 lacs the accused received Rs. 7 lacs. In another scheme, against the estimated cost of Rs. 8,62,600/- they received Rs. 7,50,000/- but work was not executed as per the specification and to the tune of money received.

It is submitted by Mr. Rama Kant Sharma, learned senior counsel for the petitioner that as per the report of the Senior Executive Magistrate dated 29.10.2013 which is the part of the First Information Report, the thrust of accusation is against the panchayat Secretary Vijay Kumar who has been granted provisional anticipatory bail vide order dated 01.07.2015 passed in Cr. Misc. No. 25571 of 2015 for a period of six months. The provisional bail of the panchayat



Secretary Vijay Kumar was to be confirmed by learned Court below if the authorities issue certificate to the effect that the work has been done to the tune of the money received. The said order was further modified vide order dated 03.02.2016 passed in Cr. Misc. No. 1994 of 2016 on the ground that during the period of provisional bail the co-accused Vijay Kumar was transferred from Rahika block where the work was to be executed to Sukhi block but now he has been retransferred back to Rahika block hence, the period of provisional bail was further extended by 6th of May, 2016.

It is further submitted by Mr. Rama Kant Sharma, learned senior counsel for the petitioner that thrust of accusation is against the panchayat Secretary and petitioner being a lady was panchayat Mukhiya at the relevant point of time. The petitioner is ready to cooperate in the completion of all the works to the tune of money received.

In the circumstances discussed above, let the petitioner, Jyoti Rani(Cr. Misc. No. 50232 of 2015), in the event of her arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail till 6th of May, 2016 on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 10 of 2014, subject to the conditions as laid

down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner Jyoti Rani will be confirmed by learned Court below if the authorities issue certificate that the works in question under different schemes as alleged in the F.I.R have been completed to the tune of money received by the panchayat Secretary or the petitioner being panchayat Mukhiya.

Shageer/-

(Dinesh Kumar Singh, J)

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