

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14901 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -CHANDAULI District- GAYA

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Shahnaj Bano @ Smt. Shahnaj Khatoon, daughter of Md.Umar
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. R.N.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Prosecution case as per written report of the Programme Officer, Primary Education, Sarv Shiksha Abhiyan under Bihar Education Project, Gaya is to the effect that Rs.11,21,000/- was sanctioned for the construction of the building of primary school Utraundh under Sarv Shiksha Abhiyan scheme but subsequently, one Jitendra Kumar, Junior Engineer informed that the said amount has not been credited in the account of the school rather the accountant Sunil Kumar intimated that the said amount was credited in the Bank of India account of the petitioner by mistake and request has been made to return the said amount as the

petitioner has withdrawn the same from her account.

It is submitted by learned counsel for the petitioner that the petitioner is a poor lady and the account, in question, was opened under Jan Dhan scheme at zero balance. The petitioner after getting information with regard to credit of Rs.11,21,000/- in her account, informed the bank authority but the bank authority did not pay any attention. The petitioner was under impression that the said amount was credited in her account under government announced scheme and with the said amount she performed marriage of her daughter after withdrawing the same. The said amount was credited in her account in February, 2014 and the petitioner first time received the letter on 08.09.2015 issued by the District Programme Officer asking the petitioner to submit the show cause when she submitted the show cause to the effect that she has no knowledge about credit of amount in her account by mistake of authorities and she is ready to deposit the entire amount in installment. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Learned counsel for the petitioner further submits that the petitioner is ready to deposit the said amount within a period of five months before the concerned authority in five monthly installments.

Considering the nature of accusation where the

transaction of the amount was made by the authority of education department which was credited in the account of the petitioner due to the mistake committed by the authority of the Education Department or the school in question and the readiness of the petitioner to deposit the said amount, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya in connection with Chandauti (Chakand) P.S. Case No.23/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on production of proof with regard to deposit of the said amount within the stipulated period.

(Dinesh Kumar Singh, J)

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